

## GENERAL SYNOD

### Marriage and Same Sex Relationships after the Shared Conversations

#### A Report from the House of Bishops

The bishops of the Church of England have spent some months in further conversations on the issue which is the subject of this report. We want to begin by reaffirming the key Christian understanding that all human beings are made in the image of God. This report is offered from the wellsprings of prayer, careful thought, and, mindful of our calling as bishops, listening, both to the Christian faith as we have received it, and to our Shared Conversations. We affirm the integrity and value of each person affected by what we say here. We recognise our deficiencies and offer this paper with humility.

We know that this report may prove challenging or difficult reading. We are confident, however, that the commitment that has been shown to listening to one another, not least through the Shared Conversations, in dioceses and in the General Synod, will have helped prepare us all as members of Synod to address together the challenges we face as a part of the One Holy, Catholic and Apostolic Church. We would ask for it to be read as a whole, with each paragraph being understood in the context of the whole report.

#### Introduction

1. The Psalmist rejoices that human beings are “fearfully and wonderfully made” (Ps. 139.13). Close to the heart of the mystery of human existence is the way that identity and relationship are inseparable from one another. For Christians, it is being in Christ that secures our true identity and transforms all our human relationships. As St Paul writes, “I have been crucified with Christ; and it is no longer I who live, but it is Christ who lives in me...” (Galatians 2:19 ff). For St Paul that meant setting aside even the wonderful privilege of Jewish identity and giving priority to the cross and resurrection of Christ. It is in this light that the Church of England has to consider the difficulties over human sexuality that have been a source of tension and division for many years. They reflect the controversies which arise in the life of any Church which aspires to engage across cultures and societies. Addressing them involves fidelity to scripture, the proper understanding of how the Church’s traditions shape its current discipleship, and the ways that changing approaches to human knowledge and reason inform or challenge the Christian faith as we have received it.
2. Indeed, the issue involves even more than the classic Anglican triad of scripture, tradition and reason. It is a living moment in the Church’s life where our teachings can be perceived through the prism of much in contemporary Western cultures as undermining, even contradicting, our Lord’s command that we should love one another as ourselves. Whether that is the fault of our teaching or of the culture around us is not the core missiological issue for the

Church today. If we are heard as lacking in love, our ability to proclaim the God of love as revealed in Jesus Christ is damaged or negated. No Church that is committed to God's mission can live comfortably with that situation. But it is in the nature of a Church like the Church of England that the way through this is profoundly contested.

3. This is true domestically where, over many years, serious study of scripture and theology has reached conflicting conclusions in the way we handle the faith we have inherited. It is also felt keenly because of the position of the Church of England within the Anglican Communion and the worldwide Church, since the question of proclaiming the gospel within culture must take account of the widely differing cultures around the world, where human sexuality is often a touchstone issue, but in contradictory ways.
4. Nevertheless, the necessity of approaching mission contextually is central to Anglican and ecumenical missiology since at least the famous Edinburgh Conference of 1910. The challenge faced by the Churches is to find ways for the gospel of God's love to be heard in our particular context, without undermining the lives and witness of our brothers and sisters in Christ elsewhere. In a world still struggling to understand the ways that globalisation connects yet divides humanity, this is not just our problem. In addressing it we want to listen to other parts of the body of Christ, in this country and from across the world.
5. We seek to draw together the demands of moral theology, our vocation to offer pastoral care and love to all who seek it, the link between that pastoral care and our mission to make disciples, and the maintenance of our integrity as a part of the One Holy, Catholic and Apostolic Church, including our integrity as bearers of a received deposit of belief. Holding together all these aspects of our shared vocation is not a matter that is open to easy, painless or rapid resolution.
6. Yet we believe that our Anglican inheritance has something particular to offer – not only to the resolution of the Church's internal arguments but to a world that is more broken, and which causes more human misery, than is often admitted or recognised. Our cultural context is one in which human isolation is a major scandal and an evil which neither state intervention nor commercial contracts can begin to resolve. The sustenance of viable, warm, reciprocal and loving human relationships is too often neglected. The family, and the communities to which we belong, have been left to struggle with the task of keeping us all human – and matters of sexuality cannot be separated from the family, from friendship or, ultimately, from community.
7. We are, as part of the Body of Christ, the Church, as individuals and as a culture, feeling our way towards better ways of being human at all these levels – and it is hubristic for anyone to propose that there is one definitive answer which solves all the moral, ethical and missiological problems we face. We believe that, if the Church can find tentative ways forward which continue to point toward a better way of living and loving as persons in community, we will

have served the world well – but we recognise equally that this vocation will demand much from us for a long time ahead.

8. Anglicanism has always been a contested tradition. Our vocation to be the spiritual home for all the people of England has, historically, enabled us to work together despite the distinctives of catholic, evangelical, and liberal traditions. We recognise that for many holding a conservative view of scripture the underlying issue at stake is that of faithfulness to God's word and this raises "first order" questions in relation to the heart of the gospel. For others, the imperative to read scripture differently stems from a parallel conviction. It is our present determination to remain together as witnesses to the unity of the Triune God that forces us to try to hear the scriptural, theological and missiological arguments of those with whom we disagree profoundly. We believe that, in some way perhaps hidden from us, they still have something to teach us about the Kingdom of God – already here and still to come.
9. It is the responsibility of the bishops to help the Church to identify the next steps – not necessarily toward a "solution" but towards greater clarity about what is at stake and how the good news of God in Jesus Christ can be shared more effectively. We are called to live the gospel and share it with those whose lives we find attractive and those whom we find hard to love; with those who hear willingly and those who reject us – because God alone understands the impact the gospel will have. It is in this calling to everyone that all agree that today we fall short as part of the Body of Christ and that we must do better.
10. But earnest imperatives must not be a smoke screen for dismissing those we disagree with. We all seek to retain personal integrity whilst seeking the best for our brothers and sisters in the Church and the many more to whom we are called to witness. That witness will be immeasurably damaged by allowing our differences to break us into fragments. That is why we do not offer "resolution" in ways that will please some and dismay others but seek to make steps together that will allow us to act together while retaining doctrinal coherency.
11. The next step, below, is to set out an account of how we have arrived at our present position so that, however, inadequate it may be, members of Synod can see how it has taken shape through a careful process of prayer, reflection, dialogue and argument.
12. The first main section of the report therefore gives an account of the process of deliberation in which the House of Bishops, in consultation with the whole College of Bishops, has been engaged since the summer regarding the next steps for the Church of England following the conclusion of the Shared Conversations on Scripture, Mission and Sexuality. We then describe some of the parameters that have begun to emerge and which between them indicate the bishops' current thinking. Finally, we outline how the House of Bishops hopes that the time allocated to this subject at the General Synod in February may contribute to the continuing process.

## 1. Beyond the Shared Conversations – the process to date

13. The Church of England has been considering issues arising from same sex relationships since well before *Issues in Human Sexuality* of 1991.<sup>1</sup> This process continues. The Pilling report (2013), recognising the range of views across the Church, proposed two years of “facilitated conversations” to enable us to understand one another better.<sup>2</sup> The formal process of Shared Conversations, as they became, was completed in July 2016. The Conversations were not intended or designed to achieve agreement but to assist the careful listening that would support clear and open exchange of views and embody the principle of disagreeing Christianly, in a manner marked by Christian care for each other. Many participants found the Shared Conversations extremely helpful, though not all did. In some dioceses, they are continuing informally. Synod members responded to their own version of Shared Conversations in July expressing the desire for a similar approach to be continued and for further group work which would enable a different sort of encounter to that in the debating chamber to take place.
14. Following the Shared Conversations, the House of Bishops took responsibility for exploring what should happen next. The House hoped to sustain the atmosphere of careful and respectful listening that had marked the Shared Conversations, but was clear that the current situation requires some clearer assertion of where the Church now finds itself.
15. The Archbishops nominated ten bishops to form a Bishops’ Reflection Group on Sexuality (BRGS) with a remit to propose a process whereby the mind of the bishops and of Synod might be tested. The BRGS, chaired by the Bishop of Norwich, was not tasked with producing its own set of proposals but with assisting the bishops of the Church of England in their reflection on issues in human sexuality, including the provision of material to inform that process.
16. The College of Bishops spent considerable time at its residential meeting in September 2016 in a facilitated process, designed to discover the range of views among the bishops, and the “centre of gravity” concerning principles and ideas for what should follow.
17. As expected, the bishops’ views covered a very wide spectrum. No position or approach commanded complete unanimity. Nevertheless, some broad points on which there was a substantial degree of consensus did emerge.
18. Two aspects of the emerging consensus are particularly important. First, there was little support for changing the Church of England’s teaching on marriage,

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<sup>1</sup> *Issues in Human Sexuality*, GS Misc 382, Dec 1991 – see <https://www.churchofengland.org/media/445118/humansexualitych5.pdf>

<sup>2</sup> *Report of the House of Bishops’ Working Party on human sexuality*, GS 1929, Nov 2013 – see [https://www.churchofengland.org/media/1891063/pilling\\_report\\_gs\\_1929\\_web.pdf](https://www.churchofengland.org/media/1891063/pilling_report_gs_1929_web.pdf)

as expressed in Canon B.30.<sup>3</sup> Second, there was a strong sense that existing resources, guidance and tone needed to be revisited.

19. The process adopted by the College enabled the BRGS to gather a very full and nuanced picture of the views of the bishops, informing the ideas that the BRGS brought to the meeting of the House in November 2016. These included a series of case studies on current practice for group reflection and a range of 'options' setting out possible scenarios for the future, with projections regarding what kind of synodical process and / or legislative change might be needed for each option, as well as some initial indications of the kind of theological rationale that might be given for proceeding in this way. The House was also provided with legal advice which described the effect of the relevant provisions of ecclesiastical law. The parts of that advice which are material to the content of this report are attached as ANNEX 1.
20. The House sought to ground its discussions in a process of theological reflection, bringing to its deliberations not only a theological rationale for each of the options it considered but recalling to mind the contributions of theologians to the Synod presentations in July 2016 and the wider theological literature and debate which has informed earlier discussions. The House also conducted its deliberations in a context of prayer and meditation, corporately and personally.
21. Against this background of prayer and theological reflection, the House was asked to examine which of the options might be possible for the Church as a whole to implement with integrity, rather than which best fitted with their personal opinion.
22. As a result of this process, there was a clear (although not unanimous) weight of opinion in favour of the option framed in the following terms:
  - Interpreting the existing law and guidance to permit maximum freedom within it, without changes to the law, or the doctrine of the Church.
23. In practical terms this would mean:
  - (a) establishing across the Church of England a fresh tone and culture of welcome and support for lesbian and gay people, for those who experience same sex attraction, and for their families, and continuing to work toward mutual love and understanding on these issues across the Church;
  - (b) the preferred option should be backed up by a substantial new Teaching Document on marriage and relationships, replacing (or expanding upon) the

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<sup>3</sup> 'The Church of England affirms, according to our Lord's teaching, that marriage is in its nature a union permanent and lifelong, for better for worse, till death them do part, of one man with one woman, to the exclusion of all others on either side, for the procreation and nurture of children, for the hallowing and right direction of the natural instincts and affections, and for the mutual society, help and comfort which the one ought to have of the other, both in prosperity and adversity' (Canon B 30.1).

House's teaching document of 1999 on marriage<sup>4</sup> and the 1991 document *Issues*;

(c) there should be guidance for clergy about appropriate pastoral provision for same sex couples; and

(d) there should be new guidance from the House about the nature of questions put to ordinands and clergy about their lifestyle.

24. The College of Bishops in December again spent time on case studies and their pastoral implications, reflected on the theological implications of the emerging understanding outlined by the House, and also considered further questions about the scope and content of a new Teaching Document, guidance on pastoral provision and questioning of ordinands and clergy about lifestyle.
25. The College remitted to the BRGS the task of drafting plans for sharing this work with Synod and seeking Synodical views on the bishops' intended approach. Proposals from the BRGS were shared with the College in January 2017 and agreed by the House, meeting with the College. The House agreed to bring a "Take Note" debate to Synod, sharing with Synod members the process whereby they had arrived at their current thinking, as set out in this note, asking Synod members to comment upon the bishops' reflections, and inviting Synod members to prepare for the Take Note debate through engaging in groups with further case study material.

## **2. Emerging elements**

26. From the deliberations of the House and the College as described above there has emerged a provisional approach regarding how the Church of England should move forward in this area following the conclusion of the Shard Conversations. The two key elements of this would be:
  - (a) proposing no change to ecclesiastical law or to the Church of England's existing doctrinal position on marriage and sexual relationships; and
  - (b) initiating fresh work in the four key areas identified in paragraph 23 above.
27. Agreeing these elements would not by any means answer every pressing question for the Church of England in the area of marriage, relationships and sexuality. The hope would be, however, that they can shape a framework for the Church's continuing process of prayer, reflection and teaching within and beyond the General Synod, helping to focus it constructively on specific areas. This inevitably also means choosing not to give attention to other possibilities. Within this framework, serious and at times painful disagreements are still likely to surface. At the same time, some people will feel unable to accept either the

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<sup>4</sup> *Marriage: A teaching document from the House of Bishops*, Sept 1999 – see <https://www.churchofengland.org/media/45645/marriage.pdf>

first or the second of the two key elements at paragraph 26 and will therefore keep seeking to move towards a different conversation that attends to different possibilities.

28. In the rest of this section, further information is given on thinking from the bishops in November and December with regard to the four areas for fresh work identified at paragraph 23, before a brief comment on the theological rationale for proceeding in this way.

### *Establishing a Fresh Tone and Culture*

29. Attention to this area is relevant to all three of the further areas discussed below. A new teaching document would be an obvious opportunity to seek to set a tone that can communicate welcome and support for lesbian and gay people and for those who experience same-sex attraction, and also promote mutual understanding across the Church as a whole. The two proposals for development of guidance have a direct bearing on how lesbian and gay people and their families experience the Church. There are important issues here about how the teaching of the Church can be communicated in ways that are both clear and sensitive, especially in contexts when that teaching has a bearing on some of the most significant choices that people make.
30. At the same time, there may well be a need for additional work beyond these three areas. For instance, some wider consideration could be given to what is shaping current 'tone and culture' and, where this is deemed to be unhelpful, what might be done to change it. It might also be important to identify specific opportunities for the Church of England to express its welcome and support for lesbian and gay people and those who experience same-sex attraction, and to encourage those responsible to make good use of those opportunities.
31. The national Shared Conversations have demonstrated the need for and value of careful, deep exploration of questions of human sexuality in dialogue with the reading of scripture. Some dioceses have planned for these conversations to continue at local level. This continued learning is a vital part of establishing a fresh tone, culture and mutual understanding for the future.
32. It would also need to be acknowledged that some deep-seated questions are likely to come to the fore in addressing these matters. In particular, issues of identity that are both controversial and profoundly personal would need to be faced. How does welcome and support for people and their families fit with moral judgments regarding the choices people make about relationships, marriage and family life? Can the Church of England establish a consistent tone and culture when it encompasses those who hold to some sharply differing moral judgments about those choices in this case?
33. This is therefore a critical and highly challenging area for further work. Tackling it well will be crucial for everything that follows.

### *New Teaching Document on Marriage and Relationships*

34. Although the process of drafting and agreeing a new document from the House of Bishops will take time, the outline of such a document is beginning to emerge following discussions in both the House and the College. The bishops felt that it should:
- Affirm the place of lesbian and gay people in the life of the Church, making their voices heard both within the document and in the life of the Church. There was some support for the view that the teaching document should include penitence for the treatment some lesbian and gay people have received at the hands of the Church.
  - Consider the significance of community and relationships of all kinds in human flourishing, especially in the context of modern manifestations of individualism.
  - Affirm the role of single people and solitaries, as well as those in committed relationships (including marriage) within the life of the Christian community.
  - Include a theological exploration of friendship, including the possibility of covenanted friendships, and not just sexual relationships, affirming what is good about friendships.
  - Explore the meaning of marriage within society, the family, and the Church and consider marriage in terms of vocation.
  - Reaffirm our current doctrine of marriage as between one man and one woman, faithfully, for life.
  - Explore the distinction that has opened up between the state's conception of "equal marriage" and the Church's doctrine of Holy Matrimony, and consider the implications of this.
35. The House and College also expressed a desire that the Teaching Document should both give a full treatment of these matters and yet be short enough to be widely read and understood. The possibility of a catechetical – question and answer – format was raised. This suggests that this resource may, ultimately, take the form of a package of materials for use in different contexts.

### *Guidance for Clergy in their Ministry*

36. In thinking about advice concerning appropriate prayers, services and other liturgical material, the House took particular note of the legal issues which apply specific constraints to what can and cannot be done in the absence of changes to Canon Law (see ANNEX 1).
37. The question of clergy officiating at liturgies for same sex relationships is framed by the declaration which all clergy make that they will "*use only the forms of service which are authorised or allowed by canon*".
38. In relation to civil partnerships, the House of Bishops' Pastoral Statement (2005) proposed that clergy who were approached for prayer in relation to



couples entering a civil partnership should “*respond pastorally and sensitively*”, but, “*it would not be right to produce an authorised public liturgy*” for the purpose.<sup>5</sup>

39. Currently, according to the law of the land, clergy may not legally solemnise the marriage of two persons of the same sex, and civil partnerships may not be registered in Church of England places of worship. There is no proposal to change this. Clergy may pray informally with same sex couples, including following a civil partnership, but now the question arises of offering guidance to help them shape those prayers.
40. Were the Church to make available a form of pastoral service in the context of same sex relationships, two routes would be open: a form of service may be “Authorized” or “Commended”. An Authorized form of service would guard against legal challenge to clergy who made use of it and would permit only limited local variation. Nor would it be open to clergy to use a different form of service for the purpose.
41. On the other hand, the process of authorization is complex, involving the full Synodical revision process, culminating in Article 7 references to the three Houses separately and then the vote needs a 2/3 majority of those present and voting in each House. It is a complex legal obstacle course – but one with (if successful) a clear and robust outcome.
42. In contrast, forms of service may be “Commended” by the House without Synodical approval. But such forms of service would not only be open to alteration and adaptation locally (thus undermining consistency) but would potentially be open to substantial challenge since the clergy may not use forms of service which are contrary to, or indicate any departure from, the doctrine of the Church of England in any essential matter,<sup>6</sup> and the fact that a form of service has been commended by the House of Bishops is not conclusive that it meets that requirement. The House did, however, take this path in 1985 for the Service of Prayer and Dedication after a Civil Marriage. This pastoral provision for those who were divorced with a former spouse still living was offered while the Church of England’s consideration of further marriage in church after divorce had not reached a conclusion.
43. The overall view of the House and College of Bishops favoured guidance to clergy which stopped short of either Authorized or Commended liturgies. It will be important to set careful boundaries for the protection of clergy and others, and a balance will need to be struck between specifying what may not take place and offering advice about what may.

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<sup>5</sup> See: <https://www.churchofengland.org/media-centre/news/2005/07/pr5605.aspx> , paras 17 & 18

<sup>6</sup> Canon B 5 (“On the discretion of ministers in conduct of public prayer”) states that “All variations in forms of service and all forms of service used under this Canon shall be reverent and seemly and shall be neither contrary to, nor indicative of any departure from, the doctrine of the Church of England in any essential matter.”

### *Guidance on questions to clergy and ordinands*

44. One of the key conclusions of *Issues* was that while lay people might choose in conscience to enter a faithful, stable, sexual relationship with someone of the same gender, the same choice should not be open to ordained ministers who wished to continue exercising their ministry. This stipulation, often expressed in terms of a different standard of sexual conduct being required of the clergy compared to the laity, has been the subject of some controversy.
45. The exemplary position of the clergy, however, is set out in Canon Law – explicitly in Canon C 26 (“Of the manner of life of clerks in Holy Orders”). The Canons are, *ipso jure*, binding on the clergy, but not the laity and, as C 26 explicitly imposes obligations on the clergy which are not imposed on the laity, *Issues* did not create a double-standard but was reflecting the nature of the clergy’s obligations under Canon Law. This is not just a matter of sexual conduct but reflects the wider duties of the clergy which are not required of the laity.<sup>7</sup>
46. In the Ordinal, the bishop asks each candidate for the priesthood: “Will you faithfully minister the doctrine and sacraments of Christ as the Church of England has received them?”, and “Will you endeavour to fashion your own life and that of your household according to the way of Christ, that you may be a pattern and example to Christ’s people?” To each, the ordinand replies, “By the help of God, I will” (*Common Worship* Ordinal). Not only is Canon Law binding on the clergy, but all clergy have explicitly assented to the principle of Canon C 26 at ordination.
47. Clearly, then, the exemplary role of the clergy is well-established. The question then turns upon: what is the doctrine that the Church of England has received?
48. Canon A 5 states that “The doctrine of the Church of England is grounded in the Holy Scriptures, and in such teachings of the ancient Fathers and Councils of the Church as are agreeable to the said Scriptures. In particular such doctrine is to be found in the Thirty-nine Articles of Religion, *The Book of Common Prayer*, and the Ordinal.” These are singled out as *particular* sources of doctrine, not exclusive ones.
49. Canon A 5 thus preserves a degree of latitude in how clergy interpret the doctrines of the Church of England. But it is a latitude with boundaries. Where the Canons set out the content of particular doctrines, those canonical provisions define the boundaries in respect of the matters they address.
50. It is clear, then, that there are good grounds in law for holding the clergy to an exemplary standard of behaviour consistent with the Church of England’s doctrine where the laity are not bound in the same way, and that the clergy

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<sup>7</sup> Canon C 26 (2.) “A clerk in Holy Orders shall not give himself to such occupations, habits, or recreations as do not befit his sacred calling, or may be detrimental to the performance of the duties of his office, or tend to be a just cause of offence to others; and at all times he shall be diligent to frame and fashion his life and that of his family according to the doctrine of Christ, and to make himself and them, as much as in him lies, wholesome examples and patterns to the flock of Christ.”

open themselves to discipline if they contravene the guidance of the bishops on such matters. But the nature of those standards, and the kind of discipline to which clergy might be subject, follow from the agreed teaching of the Church and the nature of the guidance offered by the bishops.

51. Over the years since the publication of *Issues* the practice has developed of asking all ordinands to assent explicitly to the principles and beliefs about human sexuality embodied in that report. Moreover, clergy who are same-sex oriented or are in a relationship with a person of the same sex may be questioned about the nature of their relationships, with the explicit expectation that they be celibate.
52. The nature of this questioning has been challenged by some. First, because it has not been obvious that ordinands and clergy who are heterosexual are subjected to an equivalent kind of questioning about their relationships, even though the Church's sexual ethics apply to all, and also because the approach sometimes adopted has been perceived by some as intrusive.
53. *Issues* explicitly rejected the rigorous searching out and exposing of clergy who may be in same sex relationships, on the grounds that this would be prejudicial to clergy who maintain close (but not sexual) friendships with a member of the same sex and that "...it has always been the practice of the Church of England to trust its members, and not to carry out intrusive interrogations in order to make sure they are behaving themselves."<sup>8</sup> This refusal to adopt intrusive questioning is also extended to ordinands and candidates for ministry.
54. The balance of view within the College and House of Bishops was that, overall, the prescriptions of *Issues* regarding questioning of clergy and ordinands was not working well. The College and House inclined to the view that any questioning about sexual conduct should apply equally to homosexual and heterosexual people and take the same form – establishing that the person concerned understood the Church's teaching that sexual relations were properly conducted only within heterosexual marriage and that they understood the principles of clerical obedience to the Church's teaching.
55. The bishops also explored the view that questioning about sexual morality should form part of a wider examination of ordinands and clergy by the Diocesan Director of Ordinands and bishop. Singling out sexual conduct from the wider requirements on clergy and ordinands concerning the ordering of their lives according to the Church's teaching was pastorally unhelpful in that it engendered a "tick box" approach that obstructed a more searching and wide ranging conversation.

#### *Theological rationale*

56. It is clear that this emerging framework represents, at one level, a compromise between some bishops who would be inclined to seek more far-reaching

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<sup>8</sup> *Issues in Human Sexuality*, para 5.18

changes in the direction of e.g. affirming married same-sex couples within the life of the Church, and some bishops who would like to see the sinfulness of any sexually active relationship outside heterosexual marriage more consistently upheld. If it is to be a constructive way forward, however, it needs to be more than that. It needs to have a theological coherence which those with different perspectives may all recognize.

57. Disagreements between the bishops are held within the context of the common affirmations set out in the introduction to this report. The Church's participation in the mission of God requires constant and prayerful attention both to the truth of Jesus Christ as revealed in the Holy Scriptures and to what is happening in the particular culture in which we live. All are committed to this demanding process of double listening (cf. paragraphs 2–4).
58. We also recognise that alongside missiology, we should place pastoral theology, ecclesiology and moral theology as cardinal points of the compass in navigating towards a right understanding and true judgment in this area (paragraph 5). We know we will continue to need insights from all four perspectives to inform our approach as we go forward, and may indeed want to deepen and enrich our thinking with regard to each of them.
59. One unifying theological theme to have emerged is that of unity itself. The unity of the Church is much more than resistance to institutional fragmentation, though it is not a bad motivation for it. We want to continue to 'walk together', to use the phrase from the Primates' Meeting a year ago, in a way that is based on a common commitment to biblical truths but recognises our continuing disagreement with one another. We want to maintain and indeed deepen the communion we currently have with one another across our serious disagreements on this issue, a possibility to which some involved in the Shared Conversations would testify. We do not accept that those disagreements make some kind of major fracture in our Church inevitable at this point, nor that it is time to start planning for division (cf. paragraph 8).
60. The unity of a particular Church is not something that can be detached from the unity of the Universal Church. As well as continuing and deepening communion within the Church of England as we begin to deliberate on next steps in this area, we want to listen to and learn with other Churches in and beyond the Anglican Communion, seeking together the mind of Christ. In doing so, account has to be taken of the fact that the overwhelming majority of those Churches subscribe to the traditional teaching on marriage reflected in our own doctrine and teaching. Moreover, the Church of England's own position in the Anglican Communion – membership of which is defined by being in communion with the See of Canterbury – inevitably means that any departure from its doctrine and teaching would have implications for the Communion (cf. paragraph 4).
61. The unity of the Church cannot be detached from our common faith in the gospel of Jesus Christ, and therefore from the teaching through which that gospel is faithfully passed on. In following this approach, the Church of England would be continuing to affirm unequivocally the doctrine of marriage set out in

Canon B 30, and to be able to expound it with confidence as the Church's teaching. Given the distinctive relationship between doctrine and public worship in the Church of England, that also requires that what happens in our services consistently reflects that teaching.

62. At the same time, the Church of England would also be accepting that it has a pastoral and a missional duty to articulate its doctrine in this area as in others in the light of changing circumstances and in the light of fresh insights about truth, goodness and justice. Faithfulness to the doctrine we have received cannot be a pretext for neglecting that duty.
63. While moral questions remain for the Church of England about the status of sexual relationships between people of the same gender, the House of Bishops has affirmed that stable, faithful homosexual relationships can "embody crucial social virtues" of fidelity and mutuality.<sup>9</sup> One challenge is therefore to explore how that affirmation in the case of both celibate and non-celibate relationships might be more fully articulated in our theological ethics and better communicated in our pastoral and missional practice, while maintaining the current doctrine of the Church of England on marriage and relationships. Nor can this challenge be separated from the Church's response to the prevalence of stable, faithful heterosexual relationships other than marriage in our society.
64. Those who are given the responsibility and the authority of ordained ministry should have access to consistent, clear guidance regarding how to respond to the concrete situations in which they make choices about how to act in this area. As wise pastors, however, they will make judgments in particular circumstances that cannot simply be 'read off' from a set of instructions. There needs to be a fundamental trust in the clergy to know and be faithful to the teaching of the Church, in their own lives and in their ministry to others.
65. That balance of a clear framework for doctrine and practice that does not prescribe more than is necessary, with trust in those who place themselves within it to make decisions with prayerful responsibility, applies to the life of the Church of England as a whole, and not just to clergy. Moreover, it is arguably a defining feature of Anglicanism from the later sixteenth century onwards and the way it has enabled space for legitimate diversity. To maintain an unambiguous position on doctrine in this matter while enabling a generous freedom for pastoral practice that does not directly and publicly undermine it is entirely consistent with our traditions and is a perfectly coherent approach to take.
66. Finally, Anglican theology has been marked historically by a certain reserve. One element in this is a sense of provisionality, of knowing only in part (cf. 1 Cor. 13.9). God gives us the wisdom we need for the situation that faces us today, and that is what we should ask for, without doubting or double-

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<sup>9</sup> 'A Response to the Government Equalities Office Consultation - "Equal Civil Marriage" – from the Church of England,' para. 9 (cf. also para. 14), available at <https://www.Churchofengland.org/media/1475149/s-s%20marriage.pdf>.

mindedness (James 1.5–8). We are seeking to discern the right next steps, not be sure about the end of the road.

### **3. Consultation with the General Synod in February**

67. As members will have seen from the Agenda, the February sessions of Synod will include time for reflection and discussion in groups, without external facilitation, followed by a Take Note debate. It is worth recalling that voting to ‘take note’ of a report such as this does not – as S.O. 105 (4) states – commit Synod members to the acceptance of any matter contained within it. The House nevertheless hopes that through the group discussions and the Take Note debate, the General Synod as a whole may be able to:
- understand the approach being advocated by the House of Bishops and some of the reasoning behind it (outlined in the previous section);
  - comment on that approach, while recognising that it is for the bishops to formulate teaching on the doctrines of the Church;
  - contribute to consideration of key elements of it, in particular the four areas of work identified at paragraph 23 and discussed in more detail at paragraphs 29-55.
68. Careful discussion of case studies based on real pastoral situations was a vital foundation for conversations at the House in November and the College in December. The first part of the group work time in February will be given to a similar exercise, suitably adapted. This will give Synod members the opportunity to reflect on scripture in considering these case studies.
69. The second stage in the group work will then provide an opportunity for members of the House of Bishops in particular to listen to other Synod members’ responses to this report, and for the group to offer comments on the possible future tasks it sets out. Feedback will be summarised anonymously by a member of the group and collated by a member of the House of Bishops’ staff, so that it can feed into the continuing work.
70. Questions for discussion of the specific areas proposed for new work might include:
- How can a more consistently welcoming and affirming culture toward lesbian and gay people and those who experience same sex attraction be enabled to develop within the Church? What might be ways in which this can be facilitated and encouraged?
  - What might help a new teaching document on marriage and relationships from the House of Bishops to be widely useful across the Church of England? Are there specific points it needs to cover? What level of theological understanding should it assume in the reader?

- What issues might need particular attention in preparing guidance for clergy in their ministry to those in same sex relationships? How much should be addressed in national guidance and how much determined by local pastoral practice?
- How important is it that all clergy are seen to be living in accordance with the Church of England's teaching in this area, and how is the bishops' responsibility for oversight best exercised?

71. There will also be the opportunity to express a view on these questions and on the whole of the report in the Take Note debate.

+Graham Norvic:

23 January 2017

(on behalf of the House of Bishops)

## SEXUALITY ISSUES: WHAT IS AND IS NOT POSSIBLE UNDER THE RELEVANT LEGAL PROVISIONS

**This is an extract from a note from the Legal Office which was provided for the Bishops' Reflection Group on Sexuality & the House of Bishops; and is made available as background resource for the General Synod.**

### Services

1. The starting point is Canon B 1.2:

“Every minister shall use only the forms of service authorized by this Canon, except so far as he may exercise the discretion permitted by Canon B 5. It is the minister’s responsibility to have a good understanding of the forms of service used and he shall endeavour to ensure that the worship offered glorifies God and edifies the people.”

2. The forms of service authorized by Canon B 1 are basically the forms contained in the Book of Common Prayer and forms of service that have been formally approved by the General Synod. The Convocations, the Archbishops and diocesan bishops can approve services for use on occasions for which no provision is made in the BCP or by the General Synod and if they do so, these services are authorized. We are not aware that any such services have been approved. The Accession Service and some other services are also authorized.

3. Canon B 5.2 provides:

“The minister having the cure of souls may on occasions for which no provision is made in the Book of Common Prayer or by the General Synod under Canon B 2 or by the Convocations, archbishops, or Ordinary under Canon B 4 use forms of service considered suitable by him for those occasions and may permit another minister to use the said forms of service.”

4. Canon B 5.3 provides (so far as relevant here):

“... all forms of service used under this Canon shall be reverent and seemly and shall be neither contrary to, nor indicative of any departure from, the doctrine of the Church of England in any essential matter.”

5. Canon B 5.2 and 5.3 together provide incumbents and priests in charge with a limited authority to compose or adopt services that have not been authorized. It is by virtue of this provision that they are able to adopt services which, although unauthorised, have been “commended by the House of Bishops of the General Synod for use by the minister in exercise of his or her discretion



under Canon B 5 of the Canons of the Church of England". A great deal of the material published as *Common Worship* is in this category<sup>10</sup>.

6. The effect of Canon B 5.3 is that the authority conferred on the minister to compose or adopt forms of service is subject to the overriding condition that a form of service must not be contrary to, or indicative of any departure from, the doctrine of the Church of England in any essential matter.
7. Canon B 30 summarises the doctrine of the Church of England in relation to marriage. **The effect of Canon B 5.3, in the light of the doctrine described in Canon B 30, is that it would not be lawful for a minister to use a form of service which either explicitly or implicitly treated or recognised the civil marriage of two persons of the same sex as equivalent to holy matrimony.**
8. The applicable canonical provisions accordingly limit the possibility for providing services for same sex couples in a way that leaves the following options:
  - a. **Amend Canon B 5 to remove the requirement that forms of service "shall be neither contrary to, nor indicative of any departure from, the doctrine of the Church of England in any essential matter". This would additionally need an amendment to the Church of England (Worship and Doctrine) Measure 1974 which requires Canon B 5 to contain that requirement.**

OR

- b. **Amend Canon B 30 so that the Church of England no longer "affirms, according to Our Lord's teaching, that marriage is in its nature a union ... of one man with one woman".**

OR

- c. **Make no legislative change and**
  - i. **make it clear to the clergy that it is not lawful for them to use a form of service which either explicitly or implicitly treats or recognises the civil marriage of two persons of the same sex as equivalent to holy matrimony, but**
  - ii. **explain that it would be lawful for the clergy to use a form of service which celebrated the relationship between two persons of the same sex provided that the form of service did not explicitly or implicitly treat or recognise their relationship as equivalent to holy matrimony.**

OR

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<sup>10</sup> See <https://www.Churchofengland.org/prayer/worship/worship/texts/pastoral/psauthorizationdetails.aspx>

**d. Make no legislative change and maintain the position set out in the 2014 pastoral guidance on same sex marriage.**

9. So far as limb ii of option c is concerned, the House might need also to explain that the form of service used should not implicitly or explicitly convey the idea that the Church was sanctioning or condoning a sexual relationship between the two persons. Whether or not it would need to do that would depend on whether or not the House maintained the position set out in the 2005 pastoral statement on civil partnerships that—

“the Church of England teaches that “sexual intercourse, as an expression of faithful intimacy, properly belongs within marriage exclusively” (Marriage: a teaching document of the House of Bishops, 1999). Sexual relationships outside marriage, whether heterosexual or between people of the same sex, are regarded as falling short of God’s purposes for human beings”.

If that remained the Church of England’s teaching, then a service which sanctioned or condoned such a sexual relationship would not meet the requirement that a service must “edify the people” and would probably also be contrary to, or indicative of a departure from, the doctrine of the Church of England in an essential matter.

**Clergy conduct**

10. Canon C 26.2 provides (so far as relevant):

“Every clerk in Holy Orders ... shall be diligent to frame and fashion his life and that of his family according to the doctrine of the Christ, and to make himself and them, as much as in him lies, wholesome examples and patterns to the flock of Christ.”

11. This provision is regularly cited by Bishops’ Disciplinary Tribunals in misconduct cases as a basis for finding that conduct complained of is “unbecoming or inappropriate to the office and work of a clerk in Holy Orders”. It is a fundamental provision so far as the manner of life of the clergy is concerned.
12. It is prima facie a breach of Canon C 26, read in the light of Canon B 30 (Of holy matrimony) (see above), for a clerk in Holy Orders to enter into a marriage with a person of the same sex. That is on the basis that by doing so, he or she is fashioning his life in a way that is inconsistent with the doctrine of Christ as expounded by Canon B 30 and making him or herself a bad example to the flock of Christ.
13. The applicable canonical provisions accordingly limit the possibility for tolerating the contracting of marriages by members of the clergy with a person of the same sex. The options are as follows:

- a. Amend, or provide an exception to, Canon C 26 so that being married to a person of the same sex is not of itself a breach of Canon C 26.2

OR

- b. Amend Canon B 30 so that the Church of England no longer “affirms, according to Our Lord’s teaching, that marriage is in its nature a union ... of one man with one woman”.

OR

- c. Amend Canon B 30 to state that [civil marriage] [marriage to a person of the same sex] is a different institution from holy matrimony and that entering into a civil marriage with a person of the same sex does not of itself amount to an act contrary to the doctrine set out in the Canon.

OR

- d. Leave Canon B 30 as it is but issue a teaching document which explains that [civil marriage is no longer the same institution as holy matrimony] [civil marriage with a person of the same sex is a different institution from holy matrimony] and that a person who enters into such a civil marriage should not, merely by doing so, be considered as acting in a way contrary to the doctrine set out in Canon B 30.

OR

- e. Make no change and maintain the position set out in the 2014 pastoral guidance.

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