

SPECIAL AGENDA III
PRIVATE MEMBERS' MOTIONS
CIVIL PARTNERSHIPS

Background Paper for General Synod debate on Civil Partnerships proposed by Paul Perkin,

I The Motion:

'That this Synod, deeply concerned that

- (a) in an understandable desire to remedy injustice and remove unjust discrimination, the Government's Civil Partnership Act undermines the distinctiveness and fundamental importance to society of the relationship of marriage;
- (b) the House of Bishops' Pastoral Statement, while reiterating the Church's basic teaching on marriage, has produced a recipe for confusion by not stating clearly that civil partnerships entered into under the CP Act would be inconsistent with Christian teaching;
- (c) that the House of Bishops' Pastoral Statement has given to bishops the task of ensuring that clergy who enter into these partnerships adhere to church teaching in the area of sexuality without giving the bishops the clear means to do so; and
- (d) that by declaring that lay people who enter into such partnerships should not be asked about the nature of their relationship, in the context of preparation for baptism and confirmation, as well as for the purposes of receiving Holy Communion, the Bishops' Pastoral Statement has compromised pastoral discipline at the local level:

declare its support for bishops, clergy and other ministers who continue to minister the godly discipline required by the scriptures and the canons and request the House of Bishops to set up a study of the ways in which that discipline is being applied and the implications thereof for future pastoral guidance and bring a report to Synod by the July 2007 Group of Sessions.'

II The Relevant History:

The mind of the Church of England on same-sex relationships has been expressed formally on two occasions. First, on 11 November 1987, the General Synod passed by 403 votes to 8 the following motion in response to a Private Member's Motion moved by the Revd Tony Higton:

'This Synod affirms that the biblical and traditional teaching on chastity and fidelity in personal relationships is a response to, and expression of, God's love for each one of us, and in particular affirms:

1. that sexual intercourse is an act of total commitment which belongs properly within a permanent married relationship;
2. that fornication and adultery are sins against this ideal, and are to be met by a call to repentance and the exercise of compassion;
3. that homosexual genital acts also fall short of this ideal, and are likewise to be met by a call to repentance and the exercise of compassion;
4. that all Christians are called to be exemplary in all spheres of morality, including sexual morality; and that holiness of life is particularly required of Christian leaders.'

Secondly, in December 1991, the House of Bishops published a statement *Issues in Human Sexuality* (CHP 1991). This endorsed the traditional Christian belief that the teaching of the Bible is that heterosexual marriage is the proper context for sexual activity between two people. It went on to declare that what it called 'homophile' orientation and activity could not be endorsed by the Church as:

'... a parallel and alternative form of human sexuality as complete within the terms of the created order as the heterosexual. The convergence of Scripture, Tradition and reasoned reflection on experience, even including the newly sympathetic and perceptive thinking of our own day, make it impossible for the Church to come with integrity to any other conclusion. Heterosexuality and homosexuality are not equally congruous with the observed order of creation or with the insights of revelation as the Church engages with these in the light of her pastoral ministry.'

It also argued that the conscientious decision of those who enter into such relationships must be respected, and that the Church must 'not reject those who sincerely believe it is God's call to them'. Nevertheless, because of 'the distinctive nature of their calling, status and consecration' the clergy 'cannot claim the liberty to enter into sexually active homophile relationships' (*Some Issues 1.3.19-20*)

The 1987 Synod motion and *Issues in Human Sexuality* are the two authoritative Church of England statements on the issue of homosexuality.

As a member of the Anglican Communion, the Church of England also respects the teaching of Resolution 1.10 on *Human Sexuality* of the 1998 Lambeth Conference (the ten-yearly meeting of all bishops of the Communion) which expresses the declared mind of the Anglican Communion as a whole. It stated that the Conference:

- a. commends to the Church the subsection report on human sexuality;
- b. in view of the teaching of Scripture, upholds faithfulness in marriage between a man and a woman in lifelong union, and believes that abstinence is right for those who are not called to marriage;
- c. recognises that there are among us persons who experience themselves as having a homosexual orientation. Many of these are members of the Church and are seeking the pastoral care, moral direction of the Church, and God's transforming power for the living of their lives and the ordering of relationships. We commit ourselves to listen to the experience of homosexual persons and we wish to assure

- them that they are loved by God and that all baptised, believing and faithful persons, regardless of sexual orientation, are full members of the Body of Christ;
- d. while rejecting homosexual practice as incompatible with Scripture, calls on all our people to minister pastorally and sensitively to all irrespective of sexual orientation and to condemn fear of homosexuals, violence within marriage and any trivialisation and commercialisation of sex;
 - e. cannot advise the legitimising or blessing of same sex unions nor ordaining those involved in same gender unions;
 - f. requests the Primates and the ACC to establish a means of monitoring the work done on the subject of human sexuality in the Communion and to share statements and resources among us;
 - g. notes the significance of the Kuala Lumpur Statement on Human Sexuality and the concerns expressed in resolutions IV.26, V.1, V.10, V.23 and V.35 on the authority of Scripture in matters of marriage and sexuality and asks the Primates and the ACC to include them in their monitoring process.

III The Civil Partnership Act:

has always been ambiguous at best about whether Civil Partnerships are or are not analagous to marriage. Prior to the passage of the Act, HMG asserted that it was not 'marriage'. However, the design of the Act, the rejection of the justice case for including siblings and other close relatives (the Government defeated amendments which would have allowed siblings to enter into a CP), and Government pronouncements since the passing of the Act (the responsible Government minister has referred to the ceremonies as 'weddings') have revealed the Governments's ambiguity – it is now 'Same-Sex Marriage' in all but name.

In the February 2006 Synod the following answers were given to Questions about Civil Partnerships:

Miss Prudence Dailey: Has the House considered whether Church of England clergy are permitted to marry a couple, one (or both) of whom has previously registered a civil partnership which has not been formally dissolved?

The Bishop of Norwich. No, because it is not legally possible for a person who has registered a civil partnership which is still subsisting to marry. Church of England clergy, along with civil registrars and indeed clergy of all other Churches, are legally obliged to regard an undissolved civil partnership as an impediment to marriage.

Miss Prudence Dailey. Can the Bishop therefore confirm that the introduction of civil partnerships has, in that respect, had a direct impact on the Church's practice in relation to marriage?

The Bishop of Norwich. It has had a direct impact of course in that it is a person in law having an exclusive relationship with another person. We have to be subject in that regard to the law of the land.

The Bishop of Chichester. In view of the incompatibility of the answer given by the Bishop to Miss Dailey's primary question here and his answer to the previous question, could he reassure me that the Civil Partnerships Group will look urgently and seriously at any implications of this legal impediment to the Church's ability to continue co-operating with the State in matters of marriage law, which has hitherto been based on a sufficient understanding of the nature of marriage?

The Bishop of Norwich. The position we are in of course is the same in relation to all other Churches, as I have already said. I cannot give the assurance that the House of Bishops' Civil Partnerships Group will look at this because it no longer meets, since it completed its work on the Pastoral Statement, but I will convey...his views to the House of Bishops.

IV The Pastoral Statement from the House of Bishops:

1. Following the publication in July 2005 of the House of Bishops Guidelines on Civil Partnerships a petition was signed by over 300 clergy and 1700 lay persons indicating grave unease with the guidelines and asking for their revision. Such unease indicates the difficulty that obtains when major developments such as this are not adequately debated in appropriate Church fora.
2. During this period, a number of Bishops: Winchester, Bristol, Carlisle, Durham and Rochester issued Ad Clerums to indicate their own personal understanding of the discipline required. It appears the House of Bishops are not at one over their pastoral response to Civil Partnerships. This makes for a post-code lottery in church practice.
3. Changing Attitude have carried out a survey which claims to indicate that the Guidelines have been universally ignored. No discipline appears to have been exercised.
4. Requests both to some individual diocesan bishops, and to the House of Bishops, for clarification of the meaning and pastoral implications of the Pastoral Statement continue to leave uncertainty over some apparent ambiguities in the wording of the Statement
5. There been inadequate focus on the Church's gospel response to persons with homosexual orientation. The testimony of Mario Bergner:

"Nearly twenty years ago, Jesus delivered me from a life of homosexual immorality through the Good News of Jesus Christ. It was a long and hard road, but eventually by His grace and mercy He changed me. Then, the Lord brought to me a wonderful wife, Nancy. Today, I devote my time to being a father to our four children and proclaiming the message of sexual redemption in Jesus Christ."

There has been much debate in our beloved Anglican Communion about homosexuality in the last thirty years. In the midst of this debate, the redemptive message of the Gospel to deliver people from homosexual attraction has been largely ignored. Much of the current debate assumes that "homosexual orientation" is a predetermined internal map that dictates same-sex attraction. But there has been absolutely no evidence that proves this.