

RESPONSE TO THE EPISCOPAL CHURCH ON RITES FOR SAME-SEX MARRIAGE

At the General Synod of the Scottish Episcopal Church 2017, the second reading of an amendment to Canon 31 (Of the Solemnisation of Holy Matrimony) was passed. The amendment, by removing section 1 of the canon, also took away the only doctrinal definition of marriage to be found in the SEC's Code of Canons. Marriage from now on is to be conducted in accordance with Scots Law (and so the marriage of persons of the same sex is implicitly now allowed in churches), and the only explicit reference to the possibility of marriage between persons of the same sex in church is in the clause about nomination to the Registrar General for Scotland for this purpose. Otherwise, the doctrine of the SEC concerning marriage is to be looked for in its liturgical books. A new conscience clause makes explicit a situation which already pertains, that no cleric shall be required to conduct any marriage against their conscience. The preface words of this clause, 'In the light of the differing understandings of the nature of marriage in this Church', could refer as much to the nature of marriage, or its purpose, as to whether it can be between persons of the same sex. The point to be noted is that, by contrast with The Episcopal Church, no new definition of marriage has been made explicit in the Code of Canons. In this respect, the SEC has rejected the approach of TEC.

A further difference between the Scottish situation and the American is that the Scottish Book of Common Prayer (1929) does not set the baseline of doctrine. The Prayer Book is only one among many books which have full canonical authorisation and status under Canon 22 (Of Divine Worship and Administration of the Sacraments and Other Rites and Ceremonies of the Church). This means that the *Marriage Liturgy 2007* holds equal doctrinal weight with the Solemnization of Holy Matrimony in the Prayer Book.

When the Marriage Liturgy was revised in 2007 the Liturgy Committee was working in response to widely held understandings of marriage which seek to remove what might be perceived as sexual hierarchy and gender roles in traditional Christian marriage between one man and one woman. The result is a liturgy which allows for several paths through the service. One of these paths is gender-neutral in its terminology, so that there is no husband and wife, only named persons taking each other in marriage, and the man does not necessarily make his vows before the woman does. The College of Bishops, in introducing this liturgy to the General Synod, made assurances that the gender-neutral language of the rite was not a gateway to marriage between persons of the same sex, rather it was to be seen as a way of allowing men and women to express their relationship in marriage in ways

which emphasised their roles as equal partners in a lifelong union in the sight of God and the Church.

The consequence of this liturgy was nevertheless that when the process of canonical change was being undergone, an argument could be made that there would be no need for liturgical change in order to accommodate the marriage of persons of the same sex. And this indeed has been the case. After the amendment to Canon 31 passed, the Liturgy Committee issued guidance which simply stated that for the solemnisation of marriages between persons of the same sex, the rite to be used is *Marriage Liturgy 2007*, and that care should be taken to choose readings from the authorised scriptural pericopes which are appropriate to the circumstances. At this point, there has been no move from the Faith and Order Board to request revision of the *Marriage Liturgy 2007* or to produce a new rite. By contrast with The Episcopal Church, we find ourselves in the arguably advantageous position of having a rite which can be used alike for couples of the same sex or of different sexes. There have so far, in the few weeks since the canonical amendment came into force, been several marriages between persons of the same sex using *Marriage Liturgy 2007*. On the basis of anecdote alone, the impression has been that the liturgical act being celebrated is simply the normal rite familiar to everyone in the Scottish Episcopal Church – nothing out of the ordinary. This helps to reinforce an understanding that Christian marriage is marriage without regard to the sex of the couple – there is no different category of ‘same-sex’ marriage.

In responding to The Episcopal Church’s request to comment on the authorisation and use of liturgical rites for same-sex marriage and the blessing of same-sex unions in the Church, we would emphasise this last point, that a single marriage liturgy should be available to all. We should also comment that events in TEC have had little influence in the process of canonical change in Scotland, and that we have looked rather to our foundations.

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