

**A personal response to [the House of Bishops of the Church of England's Pastoral Statement: Civil Partnerships for opposite-sex couples. Dec 2019](#)**<sup>1</sup>

Needless to say I am not surprised at the tone and content of the recent Bishops Pastoral Statement, nor that once again have the House of Bishops displayed clearly that *'we work to differing definitions of 'pastoral''* as was said to me recently.

In the Statement the Bishops have reiterated that Civil Partnerships of whatever stripe, and of course same sex marriages, are substandard and second rate. Marriage, and the marriage of one man to one women alone, must be considered to be *central to the stability and health of human society.*<sup>2</sup> They are convinced, despite growing evidence<sup>3</sup>, that straight marriages are *the best context for the raising of children*<sup>4</sup>. It is implied that loving, stable and highly motivated gay, lesbian, single parent and cohabiting couples are only to be preferred if the alternative is long term institutional care.

*The principles underlying the pastoral guidance which the House of Bishops issued following the Civil Partnership Act 2003 therefore apply also to opposite sex civil partnerships.*<sup>5</sup>

Straight clergy and future clergy must be prepared to give the same assurances as currently required of gay and lesbian clergy and ordinands who enter into a Civil Partnership that they will be celibate. It has been reported that some Bishops are avoiding asking this question of their numerous Civilly Partnered gay and lesbian clergy so thankfully it can be hoped that the intrusive questioning of people's lives will not return, but it will be interesting to watch the response to the inevitable first birth of a child to a Civilly Partnered clergy straight couple at some point in future years.

None of this should come to any of us as a surprise. The Bishops have always been clear in public that they will entertain no change to the official stance of the Church of England despite the clear blue (pink/rainbow?) water between their statements and the lives and practise of those in the

---

<sup>1</sup> Civil Partnerships – for same sex and opposite sex and opposite sex couples. A pastoral statement from the House of Bishops of the Church of England. Dec 2019

<sup>2</sup> Paragraph 7

<sup>3</sup> <https://www.livescience.com/6073-children-raised-lesbians-fine-studies-show.html>

<sup>4</sup> Paragraph 7

<sup>5</sup> Paragraph 16

pews and in the vicarages. Once again we see in print the gulf between those in 'authority' and those in the pews and vicarages, to say nothing of the communities to which the Church of England wishes to exercise a ministry of pastoral care and welcome.

What is terribly sad in all this is the impact on the integrity of the Church of England and on the lives and mental health of the clergy forced to negotiate the post code lottery of public compliance and private disobedience and beliefs. No good can come from this in the long term for the mission of the Church of England at a time when something needs to be done to staunch the flow of members out the door.

Before looking at the Statement in detail it is also worth placing this Statement alongside the continuing and deepening scandal of the Bishops' handling of cases of sexual abuse by clergy. (See *The Church's darkest secret*, BBC TV, if you have a strong stomach). Both suggest an institution in crisis and in that crisis deep into self-defence and institutional blindness. Matthew 15:14 speaks a warning about the inevitable conclusion of such behaviour.

The Statement begins with a review of the legal process that has led to the introduction of straight Civil Partnerships. (Para 1-6). The Bishops' acknowledge that *civil partnerships were offered as a complementary but distinct institution: marriage for opposite sex couples and civil partnerships for same sex couples*<sup>6</sup> a clear description of the fundamentally discriminatory origin of CP in the UK that is so often forgotten by their straight advocates.

It is confidently asserted that the introduction of same sex marriage resulted for the first time *that a substantive gap emerged between the Church's understanding of marriage and that of the State.*<sup>7</sup> This has repeatedly been shown not to be true. A divergence between the Church of England's officially defended understanding of marriage and that of the State and wider society happened sometime in the 19th century and has been widening ever since.<sup>8</sup>

In the section on the **Church's Teaching on marriage** (Para 7-10) it is extraordinary to see that the Bishops have gone back to the Preface of the wedding service in the Book of Common Prayer *where the marriage service lists the causes for which marriage was ordained, namely: 'for the procreation of children, ...for a remedy against sin [and]... for the mutual society, help, and comfort that the one ought to have of the other.'*<sup>9</sup> In so doing they ignore

---

<sup>6</sup> Paragraph 2

<sup>7</sup> Paragraph 3

<sup>8</sup> Alan Wilson 'A More Perfect Union'

<sup>9</sup> Paragraph 8

all subsequently liturgical and theological developments in the understanding of marriage, not least those changes in understanding expressed in the [official liturgy of marriage](#) in Common Worship, approved by Synod some twenty years ago.

As noted elsewhere in the document *it is through liturgy that we express what we believe*<sup>10</sup> and given that almost no weddings take place these days using the 1662 form of words it seems both telling and rather odd that the Bishops and their lawyers have reverted to a 17th century understanding of marriage to defend their position in the 21<sup>st</sup> century. (And I just know that some people are going to pick me up on this by saying that they regularly take 1662 marriages so to avoid getting into a pantomime ‘oh yes they do’ ‘oh no we don’t’; let’s just agree that antiquarian events are not the norm).

There is no exploration of the wider theological understanding of marriage within the Christian community and how it has changed both in popular understanding, Christian theology and regulation over the centuries. Nor does there seem to be much understanding that marriage as set out in Canon B30 is relatively new to the Church of England. Canon B30 only came into effect in 1963/64 after 20 years of debate and much influenced by the 1937 scandal of Edward VII marriage to Wallis Simpson – prior to that the Canons were effectively those of 1604 in which marriage wasn’t discussed at all other than in terms of some regulations about the calling of banns.

That lack of historical and theological understanding might be about to be resolved in that we are reassured that:

*A major study of this and other areas of human sexuality is underway (the Living in Love and Faith project). This work, which is expected to be completed in 2020, will then inform further deliberations of the House of Bishops.*<sup>11</sup>

But the Bishops go on to say that “*In the context, however, of the introduction of opposite sex as well as same sex civil partnerships, the teaching of the church on marriage remains unchanged*”<sup>12</sup>

This tells us clearly, despite all the quiet messages emanating from some involved in the process, what LLF is intended to achieve. For all the money spent, the signalling and the smiles LLF will clearly lead to no perceptible change at all and we will see a continuation of the Church of England’s Bishops’ stance that gay and lesbian couples, and now those in straight Civil Partnerships, are in relationships considered substandard within the Church of England. All those who have repeatedly argued that we should

---

<sup>10</sup> Paragraph 18

<sup>11</sup> Paragraph 10

<sup>12</sup> Paragraph 10

patiently wait for LLF to change things and that our allies in the House of Bishops are effectively working for change in secret are shown to have been either hopelessly optimistic or having been deliberately misled by the quiet whispers in their ears by their ‘sources’, perhaps both.

Paragraphs 11-16 **The effect of legislation introducing civil partnerships** seem obsessed with the idea that CPs are not about sex and therefore can be safely assumed to be sexless. This is no doubt partly to assuage the Bishops’ discomfort at the prospect of having to ask their clergy about the intimate nature of their Civil Partnership and enable them to avoid such conversations that are so clearly mandated in the current ‘pastoral guidelines’.

A good friend who was in the Houses of Parliament has a different story about why the Civil Partnership legislation doesn’t mention consummation. A member of the House of Lords was particularly concerned about this absence in the framing of the legislation and asked that it be included, even drafting the necessary amendment to be heard in the final debate in the House of Lords. Given that ‘consummation’ is legally defined as penetration of a vagina by a penis it was gently pointed out to him by understanding Officers of the House that requiring a gay couple to ‘consummate’ their relationship would require legislation to widen the definition and then to require buggery for gay couples and in the case of a lesbian couple posed considerable logistical problems. I am told the Noble Lord flushed, blustered in stereotypical Etonian fashion and withdrew his amendment.

The Bishops acknowledge that *It is likely that some who register civil partnerships – whether same sex or opposite sex — will seek some recognition of their new situation and pastoral support by asking members of the clergy to provide a blessing for them in the context of an act of worship.*<sup>13</sup>

So in considering **The blessing of Civil Partnerships** in Para 17-21 it is clear that this will not be considered at all.

*The House continues to believe that it would not be right to produce an authorised public liturgy in connection with the registering of civil partnerships. In addition, the House of Bishops affirms that clergy of the Church of England should not provide services of blessing for those who register a civil partnership.*<sup>14</sup>

This puts to death the hope held by some in the Hereford Motion currently lost somewhere in the Business Committee of General Synod’s in-tray,

---

<sup>13</sup> Paragraph 20

<sup>14</sup> Paragraph 20

which asked the Bishops to consider authorising some form of liturgy not only for Civil Partnership but also for same sex marriage.<sup>15</sup>

However, not all hope is lost. In **Those wishing to be in ordained ministry and to register a civil partnership** (Para 22-28) it is stated that *While clergy are fully entitled to argue, in the Living in Love and Faith process and elsewhere, for a change in that teaching, they are not entitled to claim the liberty to set it aside.*<sup>16</sup>

Amongst the ashes there is an hopeful explicit acknowledgement that legitimate theological divergence exists within the Church of England. We might further hope that the Bishops we have been repeatedly told are in favour of change might take their own words to heart and begin to speak publicly their own beliefs.

Such comfort is small indeed when laid against Paragraph 24 in which it is stated *Members of the clergy and candidates for ordination who decide to enter into civil partnerships must expect to be asked for assurances that their relationship will be consistent with the teaching set out in Issues in Human Sexuality.*<sup>17</sup>

Issues in Human Sexuality was first written in 1991 and has assumed a status that looms almost larger than the Creeds in the selection of candidates for ordination and is now nearly 30 years old and profoundly out of date. Its continuing application, which many had hoped would end with LLF now seems certain despite the sea change in modern society and much recent, and not so recent, Biblical and theological work. It is as if we were being asked to still frame our approach and understanding of the ministry of ordained women on the basis of what was possible three years before women were first ordained as priests and before the substantive votes in General Synod in 1992.

Paragraphs 31-34 on **Lay people who register civil partnerships** attempts to forestall the inevitable response of some conservative clergy towards straight couples in Civil Partnership in their congregations and coming to the Church of England for pastoral care and the occasional offices.

---

<sup>15</sup> Full motion text:

“That this Synod request the House of Bishops to commend an Order of Prayer and Dedication after the registration of a civil partnership or a same sex marriage for use by ministers in exercise of their discretion under Canon B4, being a form of service neither contrary to, nor indicative of any departure from, the doctrine of the Church of England in any essential matter, together with guidance that no parish should be obliged to host, nor minister conduct, such a service.”

<sup>16</sup> Paragraph 25

<sup>17</sup> Para 24

These protections for lay people who enter into Civil Partnerships from overzealous clerical guardians of the moral choices of others are particularly, and disappointingly weak. *The House considers that lay people who have registered civil partnerships ought not to be asked to give assurances about the nature of their relationship before being admitted to baptism, confirmation and communion.*<sup>18</sup> 'Ought not' is hardly a protection at all, and opens the way to considerable heart ache and hurt for couples in their lives of faith but at least there is stronger protection for those presenting children for baptism *priests cannot refuse to baptise simply because those caring for the infant are not, in their view, living in accordance with the Church's teaching.*<sup>19</sup>

Paragraphs 31-34 **Converting Marriages to Civil Partnerships** obsesses with the possibility of a future provision to allow those currently in marriages to convert them to Civil Partnerships and like so much of the document was clearly written by lawyers. It notes with no irony and an utter failure to understand human relationships that *'A key difference between a marriage and a civil partnership is that marriages are solemnised with vows and civil partnerships are not. Converting a marriage into a civil partnership thus implies the repudiation of a couple's marriage vows.'*<sup>20</sup>

The Bishops, or their lawyers or both, go on to say *'In the case of clergy or ordinands who seek to convert a marriage into a civil partnership, it should be made clear to them that their decision involves the repudiation of their marriage vows and that the same discipline will apply to them as to those who have broken their marriage vows in other circumstances.'*<sup>21</sup>

In effect they would be treated as if they had divorced, even if they continue to live together in precisely the same way prior to that decision. It takes a particular kind of legalism to see this as in any way pastoral or likely to do much for the Church of England's reputation within the community in which that priest serves and amongst their extensive network of friends, family and colleagues.

In conclusion there is really nothing to see here that we didn't know some time ago. The House of Bishops of the Church of England thinks that it has the answer to both social change in society and to the ills of the Church of England in relation to those changes. That answer is to deny that anything needs to change and to stand, Canute like, against the tide that is inevitably

---

<sup>18</sup> Paragraph 29

<sup>19</sup> Paragraph 30

<sup>20</sup> Fr Kelvin Holdsworth has pointed out that this effectively redefines marriage in the CoE, because there are no vows in Orthodox churches, so this sounds as if Orthodox Christians are no longer Christians.

<sup>21</sup> Paragraph 34

and irresistibly moving amongst the bulk of the members of the Church of England. We may wonder why they feel that they must undermine their authority within the Church of England in this way, we might think that this is more to do with the troubles of the Anglican Communion abroad and their fears of further weakening divisions at home. We might even think that some of the Bishops honestly do believe that *notwithstanding recent statements about the value of stable, faithful same-sex relationships – such as the Archbishop of Canterbury’s acknowledgement in a BBC interview that “You see gay relationships that are just stunning in the quality of the relationship” – the Church of England still regards them as basically disordered.*<sup>22</sup>

What we must never do is give up the conviction that they are wrong and that the Church of England does not belong to its Bishops and that in time the will of the people of the Church of England will prevail.

Andrew Foreshew-Cain

23<sup>rd</sup> Jan 2020

---

<sup>22</sup> Law and Religion 11<sup>th</sup> April 2013. *Men and Women in Marriage and the Church of England* David Pocklington.