



# Sexuality, Same-Sex Marriage and the Church, February 2018

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## Same-Sex Marriage and the Church of England

- The Church of England is the state church in England. The Church of England's church law (Canon Law) is part of English law.
- Same-sex marriage was made legal in England and Wales by the passing of the Marriage (Same Sex Couples) Act 2013.
- The Church of England and Church in Wales sought exemption from the law, and as a result it is not legally possible for them to celebrate same-sex marriages. It would not be possible for them to legally celebrate same-sex marriages until such time as their Canon Law was changed (<http://www.bbc.co.uk/news/uk-politics-20680924>).
- Other religious groups can opt in to celebrating same-sex marriages, but cannot be compelled to do so. Some religious groups have chosen to do so: these include the Religious Society of Friends (Quakers), Unitarians, and some United Reformed Church congregations.
- No discrimination claim can legally be brought against a religious group on the grounds that it has not opted to celebrate same-sex marriages.
- In a 2017 interview, when asked for his views on "gay sex", the Archbishop of Canterbury Justin Welby, said: "I am having to struggle to be faithful to the tradition, faithful to the scripture, to understand what the call and will of God is in the 21st century and to respond appropriately with an answer for all people ... that covers both sides of the argument. And I haven't got a good answer, and I am not doing that bit of work as well as I would like" (<http://www.gq-magazine.co.uk/article/archbishop-of-canterbury-queens-death-gay-sex>).

## Same-sex Marriage and the Anglican Communion

- The Anglican Communion (<http://www.anglicancommunion.org/identity/about.aspx>) is a voluntary fellowship of churches around the world, many but not all in Commonwealth countries, which are in full communion with the Church of England. This means they fully recognise each other's clergy and ministries.
- The churches of the Anglican Communion each have their own leadership and governance, but often look to the Archbishop of Canterbury, the most senior bishop in the Church of England, as a focus for unity. However, neither the Archbishop of Canterbury nor the Church of England has any authority in any other provinces of the Anglican Communion.

- The 1998 Lambeth Conference (a gathering of bishops from the worldwide provinces of the Anglican Communion) passed a resolution characterising “homosexual practice as incompatible with Scripture” (<http://www.anglicancommunion.org/resources/document-library/lambeth-conference/1998/section-i-called-to-full-humanity/section-i10-human-sexuality?author=Lambeth+Conference&subject=Human+sexuality&year=1998>).
- This resolution is not binding on any of the Anglican churches worldwide, and some of them have gone on to ordain gay clergy and/or to celebrate same-sex marriages.
- Conservatives in the Church of England fear that acceptance of same-sex marriage by the Church of England would put it out of step with the Anglican churches in provinces such as Uganda and Kenya, and could lead to the breakdown of the Anglican Communion.
- Liberals in the Church of England note that there are other Anglican churches worldwide, including the Episcopal Church in the USA, and the Scottish Episcopal Church, which already do celebrate same-sex marriages.

## Gay clergy and the Church of England

- In 1991, a document called *Issues in Human Sexuality*, produced by the Church of England’s bishops, stated that Church of England clergy were not at liberty to enter into sexually active same-sex relationships.
- This was in line with the Church of England’s teaching that sexual activity should be reserved for marriage. At the time, same-sex marriage was not legal in England and Wales.
- The 1991 guidance has not been superseded by any more recent documents. People who are accepted to train as Church of England clergy must affirm that they agree to live in accordance with *Issues in Human Sexuality*.
- However, since the passage of the Marriages (Same Sex Couples) Act 2013, some Church of England clergy have married their same-sex spouses.
- In 2014, Revd Jeremy Pemberton, who had married his same-sex partner, was disciplined by the Church of England and prevented from taking up a post as an NHS healthcare chaplain in Nottinghamshire (<http://www.bbc.co.uk/news/uk-england-nottinghamshire-38235199>).

- In 2017, Revd Andrew Foreshew-Cain, a vicar in London who married his husband in 2015, resigned from his post citing the pressure of working for an “institutionally homophobic organisation” (<https://www.theguardian.com/world/2017/apr/30/gay-vicar-andrew-foreshew-cain-quits-and-attacks-institutional-homophobia-church>).
- In 2005, civil partnerships for same-sex couples were legalised in England and Wales. The Church of England has not prevented its clergy from entering into civil partnerships as long as they are celibate. The Church of England ruled in 2013 that it was also possible for clergy in celibate civil partnerships to become bishops (<https://www.theguardian.com/world/2013/jan/04/church-of-england-gay-bishops>).
- Some Church of England churches have held services of blessing following civil partnerships.
- Since 2013 it has been possible for couples in civil partnerships to convert their relationships to marriages. When this happens it is possible to “backdate” the marriage to having begun on the date when they entered into the civil partnership.
- In 2017 Revd Andrew Foreshew-Cain said he knew of between 20 and 25 Church of England clergy in same-sex marriages, some of whom had converted their civil partnerships.

## Ongoing Discussions about Sexuality in the Church of England

- In 2013 the Church of England published a report of its Working Group on Human Sexuality (often known as the Pilling Report). This did not change the Church of England’s teaching on marriage, but did call for opposition to homophobia.
- Following the publication of the Pilling Report, the Church of England convened a series of regional mediated conversations on sexuality between bishops, clergy and lay people.
- In 2017 the Church of England began a new process which will lead to the publication of a document on human sexuality to replace 1991’s *Issues in Human Sexuality*. This brings together bishops, clergy and scholars in working parties focusing on different areas: social and biological; biblical; theological; and historical (<https://www.churchofengland.org/about/leadership-and-governance/general-synod/bishops/membership-episcopal-teaching-document-and-pastoral-advisory-group#na>).

- Finalisation of the new document is expected in 2020 ([https://www.churchofengland.org/sites/default/files/2017-11/GS%20Misc%201158%20next%20steps%20on%20human%20sexuality\\_0.pdf](https://www.churchofengland.org/sites/default/files/2017-11/GS%20Misc%201158%20next%20steps%20on%20human%20sexuality_0.pdf)).