

THEOLOGICAL FORUM

May 2017

PROPOSED DELIVERANCE

The General Assembly:

1. Receive the Report.
2. Note the Forum's range of activities and support given to the Church. (*Section 2*)
3. Receive the report "An Approach to the Theology of Same-Sex Marriage" as a resource to the Church and commend it as a basis for study and discussion. (*Section 3 and Appendix*)
4. Invite the Church to take stock of its history of discrimination at different levels and in different ways against gay people and to apologise individually and corporately and seek to do better.
5. Instruct the Legal Questions Committee to undertake a study of the matters which would require to be addressed in any new legislation permitting Ministers and Deacons to officiate at same-sex marriage ceremonies, with a view to presenting a Report to the 2018 General Assembly.

REPORT

1. The Theological Forum was established to have two roles: to act in support of other committees of the Church and the General Assembly, and to produce reports of its own on matters which arise in the Church.

2. Over the last year, the Forum has offered advice to the Elder Working Group on its emerging study of the eldership; to Mission and Discipleship Council about ideas introduced by The Very Reverend Albert Bogle about the Virtual Church; and to the Legal Questions Committee about voting by remote access. It has engaged with work on an emerging study of The Theology of the Child; with Review and Reform about the issue of the authorization of elders to administer the sacraments; and with new questions about the Westminster Confession.

3. It has also worked, listened and consulted in an effort to offer an Approach to the Theology of Same-Sex

Marriage which it offers as a contribution to the Church's understanding of this area (see Appendix).

In the name and by the authority of the Theological Forum

IAIN TORRANCE, *Convener*
DONALD MacEWAN, *Vice Convener*
NATHALIE MAREŠ, *Secretary*

ADDENDUM

Very Rev Professor Iain Torrance

Iain Torrance completes his term as Convener at this year's General Assembly. Iain retired from his appointment as President of Princeton Theological Seminary at the end of December 2012 and in addition to a new role at the University of Aberdeen and additional service for The Queen, he agreed to take on the Conventership of the

Forum for four years. He has done so with patience, wide knowledge and a deep love for the Church. We wish him well in his retirement from this role.

In the name and by the authority of the Theological Forum

DONALD MacEWAN, *Vice Convener*
NATHALIE MAREŠ, *Secretary*

APPENDIX

AN APPROACH TO THE THEOLOGY OF SAME-SEX MARRIAGE (2017)

1. The use of Scripture

1.1 In a reflection lasting eighteen months which involved a good deal of listening, we acknowledged that the question of how we handle scripture has been an integral part of the long debate over the place and appointment of same-sex people.

1.2 Our own journey in discussing Scripture has been shaped by recent reports to the General Assembly on matters of human sexuality. Every one of the six significant pieces of work over the past decade on sex and marriage which has been brought to the General Assembly has laid out the hermeneutical considerations which inform different interpretations of scripture as a whole and scriptural texts in particular, and then explored specific texts in detail. In particular Romans 1, at issue in our later discussion of Robert Song, has been discussed in detail in at least three reports.

1.3 Rather than rehearsing and repeating the particular arguments presented in these reports, it is possible to summarise the different tendencies of interpretation used by people across the Church. Sometimes it is claimed that people fall into one of two lobbying groups as either "Traditionalists" or "Revisionists". In fact, we found that this would be a misleading and over-polarising claim. Practically everyone falls into a spectrum between two poles, and people vary where they are on the spectrum depending on what is being discussed.

1.4 Broadly more inclusive arguments in favour of broadening the Church's understanding of sexual relations to include those among persons of the same sex typically hinge upon two arguments. The first is to say that Scriptural condemnations of same-sex sexual activity were framed in cultural contexts very different from our own and referred to individual acts rather than committed and faithful people willing to enshrine their relationships in vows before God. As committed and faithful partnerships between equal persons of the same sex were largely unknown in the ancient world, neither St Paul nor any other biblical writer could have had such partnerships in mind when they condemned same-sex sexual activity.

1.5 Another more inclusive argument in favour of same-sex relationships rests on a distinction between the written text of Scripture and the living Word of God, the latter being associated with Jesus Christ who speaks to us in our hearts and consciences. According to this argument, we owe our allegiance to Jesus Christ the Word made flesh rather than adherence to the literal words of Scripture, and, for that reason, if people believe that Jesus is now calling the Church to a new understanding of how faithfulness may be displayed in human relationships, this should be taken seriously as a contemporary form of obedience.

1.6 More conservative arguments against any broadening of the Church's views on sexual relations to include those among persons of the same sex rest on a different set of interpretive rules. For them, once it is ascertained that the biblical writers intended to condemn same-sex acts, the only appropriate response for the Church to make is to declare such activity to be contrary to God's intentions for humanity, and thus prohibit same-sex marriage.

1.7 While the styles of interpretation used by those who are more inclusive and those who are more traditional are different in many respects, they share an acknowledgment of the authority of Scripture and the authority of Jesus Christ as the King and Head of the Church. The differences

between them rest on the different aspects of this authority that they focus upon, with more conservative readers tending to focus on the *words* of Scripture and more inclusive readers tending sometimes to look *through* rather than *at* the words of the text. It is evident that this is a generalisation and a simplification but it may succeed in pointing to some of the threads in this argument.

1.8 For those adopting a more conservative perspective, the authority of Scripture rests in obeying the *words of its text*. These words were given by God through the scribes and prophets and transmitted faithfully by Israel until they could be written down. We abide by the authority of Jesus Christ speaking in Scripture by correctly ascertaining what Scripture's words meant in their original context, before conforming our doctrine and practice to them. It is not our duty to ascertain *why* God, speaking through the biblical writers, issued these commands, but only to ascertain the meaning of those commands and act upon them.

1.9 Those who adopt a more inclusive perspective also believe in the authority of Jesus Christ speaking in the Scriptures, and they also seek to understand the meaning of the words in their original context. What distinguishes them from more conservative readers, however, is their belief that Scripture's meaning is somewhat wider than particular words themselves. In order to understand a biblical command, we must not only understand the meaning of the words in their original context, but also understand the many ways in which Scripture tells us a developing story in which believing Gentiles were also invited to join the People of God. In the present context, this means asking what Paul meant when he declared that in Christ we are neither Jew nor Greek, neither male nor female, neither slave nor free.

1.10 For many people of a more conservative habit of reading Scripture, there might appear to be something illegitimate in looking 'behind the text' as - taken in a particular direction - this method might seem to relativize those commands, and empty them of authority. Yet, for those who read Scripture with a different set of

expectations, this is a way of applying the words of Jesus today and of following his example of reaching out to those who have felt excluded by the scriptural certainties of others. We accept that both these habits of reading the Bible try to ascertain Scripture's true meaning today that they might serve the Lord Jesus Christ. They differ in how that true meaning - and that true service - might be reached.

1.11 It is a mistake to believe that this long and on-going argument about Scripture and how to apply it is something that should be settled with a "victory" for one particular perspective. Professor Alec Ryrie of the University of Durham in a recent lecture celebrating the work of Martin Luther has reminded us that it is this very argument which has provided energy and ferment to the Protestant tradition. The last 500 years have seen an almost continuous tension, emerging in quite different places and issues, between readings more or less aligned either to the "strict" text or more inclusively to the "context" and for a wise and faithful reading of the Bible we need all of these voices.

1.12 There is even more to it than this. God does indeed speak to us through Scripture but sometimes God also speaks out of the whirlwind. Calvin tells us that the sight of the stars reassured Abraham about the number of descendants God had promised him. We today cannot see the ocean choked with plastic bags and not think that somehow God is telling us how we are misusing the created world. And there are times when God speaks to us through the cries of God's people who long for inclusion and dignity.

1.13 When, then, we try to understand the issue of same-sex marriage, we do so as people who all esteem the living voice of Jesus Christ speaking in the Scriptures. The differences between us rest on how these Scriptures are to be heard today.

1.14 Having considered scriptural interpretation, we now turn to extra-biblical arguments.

2 Three overlapping kinds of argument all of which we need to consider

2.1 As we have reflected, read and listened, we have found three kinds of overlapping arguments. Aspects of all of them have to be taken into account.

(A) Arguments based on understandings of human rights

(B) Analogical arguments which try to build outwards from traditional understandings of marriage

(C) Fully theological arguments for the admissibility of same-sex marriage

We will take these in turn.

2.2 (A) Human rights arguments

2.2.1 The Western practice of granting and claiming rights is a tradition reaching long before Christianity. Roman Private Law embedded a series of rights over property, status and procedure in a trial. Constantine's Edict of Milan began a long tradition of granting independence to the Christian Church and this was subsequently codified and reinforced. A series of benchmark charters, including Magna Carta, specified the authority of the king in relation to the barons and the rights of free people to trials and to property.

2.2.2 The Protestant Reformation, and we find this particularly with Luther (whose 95 Theses we remember in 2017), lifted up the claims of the individual conscience. Each person stands equally before God, each is vested with a freedom to believe and has an entitlement to the scripture in their own language.

2.2.3 Enlightenment writers (John Locke, Jean Jacques Rousseau, and Thomas Jefferson) in Europe and North America based their account of human rights in theories of a social contract. Individuals limited some of their natural rights for the sake of order and delegated their claim of self-rule to elected officials.

2.2.4 The Virginia Declaration of Rights (1776) specified a number of "indubitable, unalienable and indefeasible" rights. The French Declaration of the Rights of Man and Citizen (1791) enumerated "natural, unalienable and sacred rights", including liberty, property, security, resistance to oppression and "the freedom to do anything which injures no one else". The elaboration of such rights was not unchallenged. One kind of objection was famously enunciated by Jeremy Bentham who described certain rights as a "nonsense upon stilts"^[1]. His point was that in a classical sense, if I am to have a right, there is an implication that someone else has a duty to supply it. Who is going to supply and safeguard such rights?

2.2.5 In contemporary thinking, none has made this criticism of a human rights theory more sharply than the American moral theologian Stanley Hauerwas. Though Hauerwas acknowledges that an appeal to human rights shelters those who have no protection in the world, he fears lest appeals to rights "threaten to replace first order moral descriptions in a manner that makes us less able to make the moral discriminations that we depend upon to be morally wise". As an example, he says "If you need a theory of rights to know that torture is morally wrong then something has clearly gone wrong with your moral sensibilities". Hauerwas' argument is that genuinely Christian ethics have to be eschatological – that is, they have to do with the new reality brought in by Jesus Christ. We will see such a reference to eschatology when we turn to the perspective taught by Robert Song.

2.2.6 Stanley Hauerwas is not alone in his anxiety. The Roman Catholic legal scholar Helen Alvare is concerned lest constitutionally-protected privacy comes into collision with the religious liberty protected by the First Amendment. When the law insists that particular photographers and bakers provide a service for same-sex weddings (for example) this clashes with a distinctly Catholic cosmology. She argues that "coercing Catholics to facilitate opposing practices is tantamount to coercing them to abandon their own religion and to practice another"^[2].

2.2.7 It is for these reasons that, although we fully appreciate the vitality of the tradition of human rights and the shield it has provided to the defenceless, we have not based our report solely in that perspective. This tradition provides one layer of an argument and from it we become more aware of discrimination and our failure to treat each other even-handedly. We recognise that as a Church we have often failed to recognise and protect the identity and Christian vocation of gay people and believe that the Church as a whole should acknowledge its faults.

2.3 (B) Analogical arguments

2.3.1 Here we have paid particular attention to the work of Professor Jean Porter at the University of Notre Dame in Indiana. She is one of the leading authorities on the theology of Thomas Aquinas and the revolution in theological thinking which preceded the Reformation and still shapes much traditional theology today. The Forum owes much to careful study of her paper, "The Natural Law and Innovative Forms of Marriage: A Reconsideration"^[3].

2.3.2 Professor Porter is a Roman Catholic and she begins by asking herself whether, in the light of Christian history, the marriage of a man and a woman is the only valid form that we may accept. There are complex questions here:

- Has "*Christian* marriage" been reduced by state action to no more than a civil contract?
- If "marriage" is today available to a wider range of people, does it follow that Christians should try to restrict the use?
- If same-sex marriage does not 'extinguish'^[4] or 'eclipse' heterosexual marriage, could prohibiting it be to 'refuse to accept the variety of God's creation'?

2.3.3 The classic writers of what is called the "scholastic period" taught between 1200 and 1400. This meant that they followed an immense upheaval in the Church's thinking about marriage.

2.3.4 Prior to that period, marriage belonged squarely to secular rather than church law. The marriage vows in Christian Europe echoed in language and were modelled on the feudal vows of homage and fealty. If they occurred at all, they took place prior to the marriage and were between the bridegroom and the bride's father. The kiss, if it occurred, was hardly romantic but was the feudal kiss on the mouth between bridegroom and bride's father^[5].

2.3.5 Around the year 1000 the church developed canon law which regulated marriage and claimed the right to judge on marriage disputes. Prior to what are called the "Gregorian Reforms" marriage did not require the blessing of a priest. Fathers controlled the giving of a son or daughter into marriage. With church reform, slowly marriage by vow emerged and consent alone was considered constitutive of a marriage. There was disagreement over whether or not physical union was necessary for a marriage to be legitimate. In one view, sexual union confirmed a marriage. In another view, all that was needed was the expressed consent of each party. This account was endorsed by Pope Alexander III in the mid-twelfth century and thereafter the Church tried to insist that all marriages should be blessed by a priest. Failure to obtain nuptial blessing could render a marriage illicit but not invalid. It was this still lingering tradition which underlay the argument over whether Anne Boleyn was or was not "married" to Harry Percy before she caught the eye of Henry VIII.

2.3.6 This argument was conducted at a legal, social and theological level. The scholastic writers were well aware that despite the fact that Mary the mother of Jesus was married to Joseph, she was believed to be a perpetual virgin. It followed that the often repeated thesis that for a relationship to be a "marriage" it had to have a "procreative intent" had at least one important exception.

2.3.7 It is simply not the case that a single account of "marriage" has been unchanged and constant throughout Christian history. And similarly, it may be said that today

also there is another wide scale scrutiny of what counts “as marriage” and what its benefits are.

2.3.8 It was against the context of evaluation of changing social practice that the scholastic theologians reflected both on the goodness of the sexual act (the notion that sex is not intrinsically unclean or even wicked) and separately on the criteria for marriage and its benefits.

2.3.9 Professor Porter shows that by the middle of the thirteenth century, while the scholar Philip the Chancellor was teaching in Paris, it was recognised that human persons have sexual relations ‘for the well-being of the species’. That may seem obvious but it was an important part of Philip’s thinking that as humans are not simply ‘animals’ but are also ‘rational animals’, our actions are conditioned not just by instinct but also by a social life. It followed that for humans, reproduction involves not only legitimate genital activity but ‘the care, nurture and socialisation of the child’. For the same reason, the scholastic writers were severe against adultery. Adultery was held to transgress the kinship structures necessary for the bringing up of children and so ‘can be said to be contrary to the inclination to reproduce’.

2.3.10 This foundational medieval understanding that human reproduction is a ‘social process’ not merely a physical one affected the understanding of the purpose of marriage. The scholastic writers understood marriage as a social convention and so they were unwilling to state that there is one and only one “natural” form of marriage. They were well aware that ‘there had been diverse forms of marriage in other times and places’. They understood marriage not as ‘a necessary ... expression of human nature but a complex and in many ways contested set of institutional practices’.

2.3.11 As it happens this approach is entirely compatible with the understanding of “constrained difference” taken by the Theological Forum. We too are trying to assess ‘a complex and contested set of institutional practices’ and place them in the rapidly changing world of twenty-first century Scotland. And like the scholastic writers, we too

have a stake in advocating those conventions which seem effective.

2.3.12 It has to be remembered that in the eleventh century, the church sacralised marriage – it brought marriage out of the secular realm into canon law. At the time of the Reformation, the Reformers re-secularised marriage. They denied it was a sacrament and they reversed centuries of practice by allowing ministers to marry. That in turn led to Enlightenment contractarian understandings of marriage, in which marriage is emphatically not more than a voluntary contact between two consenting adults, who agree the terms of coming together and of dissolving the union^[6].

2.3.13 However, the re-secularisation of marriage that occurred under the Reformation does not mean that the Church no longer has a stake in the institution. Such a non-sacramental understanding has tended to be deepened in the Reformed churches by a belief that the marriage union formed a covenant. Thus it is stated in the *Westminster Directory for the Publick Worship of God*^[7]:

“Although marriage be no sacrament, nor peculiar to the church of God, but common to mankind, and of publick interest in every commonwealth; yet, because such as marry are to marry in the Lord, and have special need of instruction, direction, and exhortation, from the word of God, at their entering into such a new condition, and of the blessing of God upon them therein, we judge it expedient that marriage be solemnized by a lawful minister of the word, that [he] may accordingly counsel them, and pray for a blessing upon them.”

2.3.14 This “covenantal understanding” of marriage is affirmed as much in the changing circumstances of today as it has ever been since the mid-seventeenth century.

2.3.15 In the 21st century, we see the secular authority (the Parliaments in Westminster and Holyrood) simply re-asserting its claim again by extending marriage to same-sex persons. This tussle for the ownership of marriage is

not intrinsically new and looking at the long history of marriage we need to try to discern what is really at stake.

2.3.16 Faced with an array of practices including child marriage, serial marriage, dynastic marriage and concubinage, the scholastic writers argued that the 'ideal form' of marriage was of 'a permanent union between one man and one woman'. They also argued against consanguineous marriage as a way of undermining the power of clans and inter-clan conflict. There are echoes of this in Shakespeare's *Romeo & Juliet*.

2.3.17 As Professor Porter notes, the scholastic writers – who were reformers in their day – assumed a doctrine inherited from Peter Lombard but originally from Augustine of Hippo that "marriage" in its various forms protects three values: (1) 'the faithfulness of the spouses; (2) fruitfulness as expressed through progeny; and (3) the sacramental bond between the spouses'. The scholastic writers knew very well that indissoluble monogamy was not the only form of marriage but they tried valiantly on the basis of the *natural purpose* of social reproduction (the long-drawn out process of bringing up children) to evaluate the different forms that marriage took. So, for example, polygamy, which was a legitimate form of marriage outside Europe, was held to diminish the mutuality between the spouses but allowed for the care and education of children. In all of this, there was a process of sacralising marriage as it was brought into the realm of canon law.

2.3.18 By this means, in an earlier time of change, there evolved 'a way of distinguishing "marriages" from other kinds of sexual relations'. It should be noted that what began to emerge was not a single "definition" of marriage but the "clarification of the paradigm of marriage". What we are engaged in today is much the same sort of exercise.

2.3.19 Porter suggests that more careful awareness of the different elements which make up "marriage" rather than any old sexual union, should make one cautious when what looks like being a marriage is not acknowledged to be one. She points to the traditional Roman Catholic view

that a union is not to be counted as a "marriage" even if it is enduring, fruitful and supportive, if there is a surviving spouse from a previous marriage.

2.3.20 In a similar way, while one can fully acknowledge the genital procreation which is a central aspect of what we call "marriage", we are not thereby obliged to say that this is the only aspect of the institution. "Marriage" has other entirely legitimate and worthy aspects. Among these are (1) that marriage provides a framework for mutual personal and financial support. It (2) focuses recognition of those claims and it (3) gives 'public expression to interpersonal love'. It allows the sexual expression of love to be seen 'within the context of an overall pattern of life'.

2.3.21 Porter is here making a point that was made repeatedly by Stanley Hauerwas in criticism of the selfish sexual individualism of the 1990s. There was a time when liberal Christians wanted to argue that any sexual relationship was acceptable provided that there was sufficient mutuality and no imbalance of power. Hauerwas firmly argued that this was simplistic and a travesty. Sex is a "public" rather than a "private" act, as sexual acts carry an emotional harvest and have to be placed within a narrative of shared commitment.

2.3.22 Porter's point is similar. 'We are not only animals that reproduce sexually but social animals for whom sexual exchange and interaction serve to express and cement social and personal bonds'. "Marriage", in other words, is more than simply the sexual act and it becomes clearer that though marriage has a paradigmatic form, this need not necessarily prevent extending the term to a group of other unions which cannot fulfil the reproductive purpose but can embody other aims of the institution.

2.3.23 "Marriage" is already extended to heterosexual couples who know they cannot have children. We do this because we know that marriage is more than a framework for legitimate genital acts. It is also a framework for supporting the mutual and publicly declared love between two people.

2.3.24 Just as it would be unjust to deny use of the term “marriage” to people past childbearing, so it can seem unjust to deny the term “marriage” to same-sex couples who intend to fulfil most of the range of “marriage’s” purposes.

2.3.25 This is the argument from analogy – from extending what we know of marriage and its long history as a human institution.

2.3.26 There are those who would rule out such an analogical extension to same sex couples on the ground that they are engaging in a sexual activity which is intrinsically sterile (one which has no possibility of conception). But exactly the same argument may be brought against heterosexual couples who use today’s very effective contraception.

2.3.27 There are those who are reluctant to extend use of the term “marriage” to same sex couples on the grounds that what they do is intrinsically unnatural and a violation of the oft-claimed complementarity of a man and a woman. **The counter argument** is evidently that it is natural to them (homosexuality is more common in nature than may be realised). **A further argument** is that if our understandings of masculinity and femininity themselves are shaped by our centuries-long experience of two-gender marriage, then we cannot without circularity argue that marriage is the only legitimate union between a man and a woman because it is “marriage” which has shaped our understanding of gender roles.

2.4 (C) Theological arguments with particular reference to the work of Professor Robert Song

2.4.1 In the course of our reflection we came to understand that even when people from the traditional perspective acknowledged that there are different ways of reading scripture and are analogical arguments, they still maintained that there is an unwarranted jump from acknowledging the permissibility of same-sex relations to actually affirming them, and something implausible in claiming that we now know better than St Paul.

2.4.2 It is for this reason that we turn to the more thoroughgoing theological argument presented by Professor Robert Song of the University of Durham^[8].

2.4.3 Song argues that the incarnation of the eternal Word of God as Jesus, that is, as a human person, inevitably impacts the way we think about sexuality. For example, we have gradually learned that the figure in our regular worship who represents Jesus at the Holy Table and says the words of the Eucharistic Prayer over the bread and wine represents Christ in Christ’s humanity, not in Christ’s gender.

2.4.4 Thus we have gradually learned that there is no reason why a woman may not preside at Communion: when she does so, she represents Jesus, our human High Priest. In a similar way, we gradually learn that sexual difference is not as theologically all determining as we may have thought.

2.4.5 Song points out that though in Genesis the Lord told Adam and Eve to be fruitful and multiply, it is a mistake to separate the doctrine of creation off from the rest of God’s dealings with us in Christ. Jesus’ resurrection participates in a new order and inaugurates it. In the same way, creation as an act of closeness by God points beyond itself. When Jesus was asked about the marital status in heaven of the woman who had been married in turn to each of seven brothers, Jesus said, “Those who belong to this age marry and are given in marriage; but those who are considered worthy of a place in that age and in the resurrection from the dead neither marry nor are given in marriage. Indeed, they cannot die anymore, because they are like angels and are children of God, being children of the resurrection (Luke 20: 34-6).

2.4.6 In what is the most perceptive theological move in the literature to date, Song asks us to consider that the primary issue is not how to evaluate heterosexual vs homosexual, but how to evaluate procreative vs non-procreative.

2.4.7 He asks us to consider the person of Jesus and especially our acknowledgement of him as the Second Adam. He argues that the eschatological fulfilment of Adam in Christ must lead to “a resituating of the Genesis account of Adam”^[9]. After Jesus, we come to understand Adam differently. It is now seen that Adam points to Jesus. Song argues that this in turn implies “a resituating of what it means to be in the image of God”. He wrote, “The first *adam* may be created male and female, and thereby ordained and rendered able to procreate. But the last Adam, the one who unlike the first Adam does succeed in having all things placed under his feet, does not do so by procreation”^[10].

2.4.8 Song argues that with Jesus, the entire notion of what it means to be human, to flourish, to live in relationship with God and our neighbours, is reoriented. “[F]ull humanity, full participation in the imaging of God, is possible without marriage, without procreation, indeed without being sexually active”. He argues that though one might think that the new eschatological order in Jesus might erase the created order, this is not so. He thinks in terms of resituating, not erasure. But “marriage no longer carries the aura of inevitability”^[11].

2.4.9 Jesus himself spoke about the need for new wine being placed in new wine bottles, and the impracticality of stitching new unshrunk cloth onto an old garment. These are images *not* of erasure but of resituating. Song writes, “The coming of Christ resituates marriage. Not only does it make it evident that marriage may not be grounded untheologically outside an understanding of God’s covenant relationship with us, it also bursts the seams of marriage and points to a new eschatological order in which marrying and giving in marriage, and therefore procreation, are no longer part”^[12].

2.4.10 We have seen with Jean Porter that marriages may have meaning apart from procreation. Song’s notion of eschatological re-situating allows us to reconsider same-sex unions in a more strictly theological way. In *creation*, the purpose of male and female was for *pro-creation*. So,

within that mind-set, sexual differentiation was for procreation. But if procreation is not now essential for the growth of the Kingdom of God and has in a sense been eclipsed, it is possible to consider unions which are not procreative, but which still bear witness to God as they echo God’s faithfulness and therefore God’s holiness.

2.4.11 It follows that the central issue in this long-running debate has moved. It is not – as it has so often been portrayed – as ‘homosexual vs heterosexual’ but ‘procreative vs non-procreative’. And we have to determine how we evaluate non-procreative unions.

2.4.12 We know very well that not everyone will accept this framework. Some will object that same-sex unions should be excluded on the grounds of lacking the complementarity of men and women. We have seen this argument before and *gender complementarity* is impossible to pin down. We all know that the traditional gender roles and expressions which men and women have taken in marriage, family and employment have been changed, shared and transferred over recent decades. It may be objected that same-sex unions lack *biological complementarity*. Part of the answer to that is that heterosexual couples also engage in activity which does not lead to procreation. So it is not particular sexual acts but the entirety of the relationship which we should be evaluating. That is precisely what Professor Porter showed taking place in the scholastic period. During a time of change, criteria were built up over what should and what should not count as “a marriage”.

2.4.13 Another kind of objection may be brought by referring to the first chapter of the Epistle to the Romans. Song’s approach is one which takes seriously the fact that the coming of Jesus resituates marriage. He claims that “all the verses that refer to same-sex sexuality assume the Genesis patterning, that in creation sexuality is ordered to marital relationships between male and female, and that marital relationships are inseparable from an openness to procreation. In other words, their reasons for rejecting same-sex relationships are not based on any

understanding of complementarity [i]f we consider the eschatological significance of Christ for sexuality, different vistas may open up If continuing procreation is no longer part of human fulfilment in the life to come, this cannot but affect our understanding of what sexuality can mean for those awaiting that fulfilment if we accept that sex even in a non-procreative context can be good, and that there is no final reason why all committed relationships should be intrinsically or deliberately open to procreation, we are opening the way to same-sex relationships⁽¹³⁾.

2.4.14 It might be objected, of course, that if the coming of Christ opened up a new appraisal for non-procreative unions and so for covenanted sexual unions between persons of the same sex, then Paul might have been expected to have understood this rather than affirming the Genesis understanding of gender and sexuality in his condemnation of same-sex acts in Romans 1. Yet God's Word is found *through* as well as *within* Scripture, and Jesus himself promised that the Holy Spirit would lead the Church into further understanding (cf. John 16: 13). It is these new understandings that the General Assembly is attempting to discern in its consideration of the issue of same-sex marriages.

2.4.15 We recognise that there are people who will remain unconvinced by Professor Song's perspective.

2.4.16 In this argument which has lasted at least two decades, at times "progressive" thinkers have accused "traditional" thinkers of inconsistency in their handling of scripture. "If this is how you read scripture", they say, "then you are inconsistent in allowing women to be elders and ministers since you set aside the advice of St Paul".

2.4.17 The normal response is that there are "seeds" in scripture which allow for a fuller leadership by women, but that there are no "seeds" in scripture which show hospitality to gay people.

2.4.18 Perhaps the significance of Robert Song's recent work is to show that some "seeds" are discernible. It

cannot be denied that the coming of Jesus inaugurates a new age, in that growth of the kingdom is found through union with him, not in multiplication of the chosen people through procreation.

2.4.19 That in turn moves the question from "homosexual vs heterosexual" to "procreative vs non-procreative" and allows for an eschatological understanding of non-procreative unions which in their own way reflect the faithfulness of God.

3. Conclusions

(a) We understand that theological reflection has moved on since the report *Believing in Marriage* which was presented to the General Assembly in 2012 and we have tried to take account of that thinking.

(b) The Theological Forum continues to work within the perspective of "Constrained Difference" which seeks for an area of allowable disagreement within the tradition of the Church as a whole while upholding the fundamental doctrines of the Church. For example, we do not believe that extension of marriage to two persons of the same gender opens the door to a rights-based argument that marriage should be extended to polyamorous unions. Nor, for example, do we think the door should be open to marriage with robots. Consent within a covenanted relationship between two persons remains at the heart of our understanding.

(c) The Forum does not believe there are sufficient theological grounds to deny nominated individual ministers and deacons the authority to preside at same-sex marriages.

(d) However, the Forum does not believe that such permission should be granted until there is assurance that the conscientious refusal of other ministers and deacons to preside at such marriages is protected.

[1] See Jeremy Bentham, "Anarchical Fallacies; Being an Examination of the Declaration of Rights issued during the French Revolution", reprinted in Jeremy Waldron, ed., *Nonsense Upon Stilts: Bentham, Burke and Marx on the Rights of Man* (New York: Methuen, 1987), page 53

[2] For this striking quotation and the context in contemporary human rights argument, see John Witte Jr and Justin J Latterell, "Christianity and Human Rights: Past Contributions and Future Challenges" in the *Journal of Law and Religion* (volume 30, part 3, October 2015, pages 353-85)

[3] *Journal of the Society of Christian Ethics*, 30, 2 (2010), pages 79-97

[4] Words in single quotation marks have been used by Professor Porter and are quoted from her article

[5] See, for example, *Marriage: The Social Life of Love* by Cheryl Mendelson (2017)

[6] See John Witte, *From Sacrament to Contract: Marriage, Religion, and the Law in the Western Tradition* (Grand Rapids, Eerdmans, 1997)

[7] *The Directory of Public Worship* was compiled by the Westminster Assembly in 1645 to replace the *Book of Common Prayer*.

[8] See Robert Song, *Covenant and Calling: Towards a Theology of Same-Sex Relationships* (SCM Press, London 2014)

[9] Robert Song, page 16

[10] Robert Song, page 18

[11] Robert Song, page 20

[12] Robert Song, page 23

[13] Robert Song, page 71