

Andrew Goddard offers a critique of Christina Baron's PMM which proposes an Order of Prayer and Dedication after the registration of a civil partnership or a same sex marriage.

Motions come for consideration before the General Synod of the Church of England by various means. One such is a Private Member's Motion (PMM) being proposed by a member of Synod and receiving the support of a significant body of Synod (it needs to be over 100 members) and being included in the agenda by the Business Committee. This process has in the past been used as a means to address contentious issues around human sexuality which are of concern in the church but (often because of episcopal reticence) are not being debated within Synod. The last substantive statement by the Synod on the subject, [back in 1987](#), originated with one such by Tony Higton, more recently [the July 2017 vote on "conversion therapy"](#) originated in Jayne Ozanne's PMM and between these in [February 2007](#) proposals on both Lesbian and Gay Christians (from Mary Gilbert) and the [2005 Pastoral Guidance on Civil Partnerships](#) (Paul Perkin) were all considered by Synod as a result of PMMs.

Background

For those people who follow these things it came as no surprise last week to see [a new PMM](#) on sexuality (added to two others already topping the lists, one from Anthony Archer and one from Ed Shaw) proposed by Ms Christina Baron (Bath & Wells) who is Vice-Chair of the General Synod Human Sexuality Group. It proposes:

'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 B5, 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.'

The appearance of this is unsurprising because a motion of almost exactly the same wording (the change is to identify correctly the relevant Canon) appeared first in Hereford Diocese back in 2016 when a number of Deanery Synods supported it and it rose for consideration at the Hereford Diocesan Synod. It was approved by the Diocesan Synod in October last year (leading to [a Church of England statement](#) to clarify the situation after misleading press reports) and is reported to be following a similar path in a number of other diocesan synods.

What is to be made of the PMM proposal and this methodology of securing, in the words of its title, "Liturgies for same-sex couples"?

What is being asked for in the motion?

A request to the House of Bishops

In contrast to the earlier motions on sexuality this one seeks to introduce liturgical change within the Church of England. This can only happen legally at the initiative of the House of Bishops and so cannot be introduced by a PMM within Synod. The motion therefore takes the form of a request to the House of Bishops to introduce a new liturgy, as did the Blackburn Motion last July in relation to welcoming transgender people. As the outcome of that example illustrates, passing such a motion does not lead to liturgical change because the bishops may well decline any request. However, for them to do so repeatedly when requested by Synod would lead to increased tensions between them and the wider General Synod.

A commended form of service

In contrast to the Blackburn Motion this motion is much more specific both on the form of liturgy being requested and the process by which it should be introduced. The latter matter is quite technical but also very significant. The situation is summed up neatly in the [House of Bishops report \(GS2055\) on sexuality](#) which General Synod declined to take note of in February 2017 (when it had the support of most members but fell in the House of Clergy). There, in discussing liturgical options the bishops wrote:

Were the Church to make available a form of pastoral service in the context of same sex relationships, two routes would be open: a form of service may be “Authorized” or “Commended” (para 40).

This motion clearly calls for the latter and the reason is undoubtedly the complexity of securing the former, as the bishops explained:

the process of authorization is complex, involving the full Synodical revision process, culminating in Article 7 references to the three Houses separately and then the vote needs a 2/3 majority of those present and voting in each House (para 41).

In contrast, a service commended by the House of Bishops does not require Synodical scrutiny or approval. It also has a different status in terms of usage. An Authorized form of service “would guard against legal challenge to clergy who made use of it and would permit only limited local variation. Nor would it be open to clergy to use a different form of service for the purpose” (para 40). Commended services are different:

such forms of service would not only be open to alteration and adaptation locally (thus undermining consistency) but would potentially be open to substantial challenge since the clergy may not use forms of service which are contrary to, or indicate any departure from, the doctrine of the Church of England in any essential matter, and the fact that a form of service has been commended by the House of Bishops is not conclusive that it meets that requirement (para 42).

GS 2055 also notes that

The House did, however, take this path in 1985 for the Service of Prayer and Dedication after a Civil Marriage. This pastoral provision for those who were divorced with a former spouse still living was offered while the Church of England’s consideration of further marriage in church after divorce had not reached a conclusion (para 42).

Given this precedent (and there is the much wider use of commended services, including much of Common Worship) it is therefore not surprising as to the form of liturgy being specifically requested in the PMM:

An Order of Prayer and Dedication

The argument is clearly that there is precedent for

- a. such a form of service being made available for couples,
- b. by means of commendation by the House of Bishops,
- c. in the middle of a contentious and complex debate within the wider church on the status of the couples’ relationship and

- d. when the church is increasingly at odds with wider social practice and understandings of marriage.

There is also the avoidance of the language of “blessing”, although practically everyone since 1985 has referred to the commended service as a “marriage blessing service”, despite the fact that strictly the order does not bless the marriage. The PMM proposal may therefore present itself as a classic Anglican creative compromise solution to our problems. There are, however, some important factors which need to be considered before concluding our situation parallels that which led to a commended Service of Prayer and Dedication for those remarried after divorce and that this is a sensible precedent to follow. Some of these relate to whether (and if so to what extent) the two scenarios are really morally analogous (not least given there is biblical warrant for remarriage after divorce but not for a same-sex union) but these are not the focus here.

Following past precedent?

Given the proposal is to introduce a new Order of Prayer and Dedication it is important to consider both the process by which the 1985 Order of Prayer and Dedication appeared and its substantive content. In doing so it becomes clear that, despite the similar title and proposed process of commendation, there are important differences which need to be considered.

In 1985 the church had already, through various reports and a decision of General Synod, accepted in principle both the legitimacy of some remarriage after divorce and the solemnization of some such marriages in church. This had been a long and tortuous process, just as the processes over same-sex unions has been and continues to be.

The Root Report of 1971 unanimously concluded that it was compatible with reason, the Word of God in Scripture, and theological tradition to, in certain circumstances, allow marriage in church of divorced persons but this was rejected by General Synod. Then, in 1978, The Lichfield Report expressed a majority view that divorced persons should with the permission of bishop be allowed to marry in church. But this too was then rejected by General Synod. However, in July 1981, it was agreed by Synod that while “marriage should always be undertaken as a lifelong commitment” nevertheless “there are circumstances in which a divorced person may be married in church during the lifetime of a former partner”. However, the 1983 report on how this might be accomplished ran into the ground. At this point the church’s situation therefore was:

- i. A Synod motion from 1981, following the conclusion of a number of reports going back over ten years, stating that remarriage in church during the lifetime of a former partner was acceptable in certain circumstances.
- ii. Convocation resolutions of 1957 stating that “remarriage after divorce during the lifetime of a former partner always involves a departure from the principles of true marriage” and so in relation to the marriage service, “the Church should not allow the use of that Service in the case of anyone who has a partner still living”.
- iii. Those some 1957 Convocation resolutions also stating that “No public Service shall be held for those who have contracted a civil marriage after divorce” but that “it is not held within the competence of the Convocations to lay down what private prayers the curate in the exercise of his pastoral Ministry may say with the persons concerned, or to issue regulations as to where or when these prayers shall be said”.
- iv. An acceptance that, despite the Convocation resolution, incumbents could legally use the marriage service without being disciplined for so doing although some bishops advised

against this and many clergy were unwilling to use the marriage service but wanted to offer some service to those remarrying after divorce.

- v. A failure to find a way through this impasse in terms of a proper process to implement the 1981 motion.

In 1985, General Synod, while maintaining the 1957 call not to use the marriage service (ii above), removed the 1957 prohibition on any service where someone had a surviving spouse (iii above). This then enabled the bishops to commend a Service of Prayer and Dedication after a Civil Marriage.

Without entering into the arguments about the rightness of same-sex relationships, there are, therefore, a number of clear differences between the ecclesial context in which the original Service of Prayer and Dedication was introduced and the current context for this proposal of a service be offered “after the registration of a civil partnership or a same sex marriage”.

- a. In 1985 the church had, after spending many centuries wrestling theologically and pastorally with the phenomenon of divorce and remarriage during the lifetime of a former spouse, reached a fairly strong consensus through a number of reports and by resolution of General Synod.

In 2018, both civil partnership and even more same-sex marriage are, in comparison, social and legal innovations which the church has still failed to reach a settled mind on.

- b. In 1985, the consensus view of General Synod and the House of Bishops, with the support of a number of reports, was that remarriage during the lifetime of a former spouse could be legitimate and was a form of marriage.

In 2018, it is not clear whether there is a current consensus view in the Church of England but both General Synod and the House of Bishops (and the wider Anglican Communion) have said, in line with historic Christian teaching, that sexual same-sex unions are not to be approved. Although the House of Bishops has accepted civil partnerships can be a legitimate pattern of life, it has not offered any theological rationale for them and it has not said that same-sex marriage is legitimate.

- c. In 1985 Synod, and the House of Bishops within it, had accepted that remarriages could take place in church but been unable to find a way to implement this.

In 2018 neither Synod nor the House of Bishops has established the church’s understanding of “same-sex couples” and the House of Bishops has rejected the idea that either civil partnerships or same-sex marriages are marriage or can take place in church.

- d. In 1985 there was a general recognition that in responding to remarriage during the lifetime of a former spouse the church was having to address a situation caused by human sin with a form of pastoral accommodation.

In 2018 those advocating for a Service of Prayer and Dedication do not usually view it as being needed for this reason or as pastoral accommodation.

Are Services of Prayer and Dedication a good idea?

It is often forgotten that, largely because of the impasse in finding a way legally to allow the use of the marriage service in line with the 1981 Synod decision (this was not finally achieved until 2002), the 1985 solution was a direct reversal of the unanimous decision of the 1978 Lichfield Report. This, in recommending moving to allow remarriage in church, had stated “we are therefore of one mind in rejecting the suggestion of a public service of prayer and dedication. *We recommend that the present use of such services be brought to an end*” (para 232, italics original). Their discussion of this proposal – the only official theological, liturgical and pastoral evaluation of such services of which I am aware - is illuminating given this is what the PMM seeks for civil partnered and civilly married

same-sex couples. (What follows is taken from [my earlier fuller discussion around divorce and remarriage](#))

The Lichfield Report noted that many clergy who adhered to the Convocation regulations forbidding remarriage recognized some such couples “wish for an opportunity to pray together and to dedicate themselves at the beginning of the new marriage”. It recognized that “Private services of prayer and dedication frequently take place, either in the couple’s home or in church, and the existence of such services is explicitly envisaged, if not formally sanctioned, by the Convocation regulations” (para 225). It acknowledged that a case had been put “that the provision of an officially-approved form of service of prayer and dedication would go far to meet the needs of some of those marrying after divorce while preserving the Church’s distinctive witness to the permanence of marriage” (para 226). It then set out the case for this (para 227) in words worth quoting at length as, by replacing their scenario with that of a same-sex couple, there are many parallels (but also some important differences in that most of them do not see their situation as “falling short of what God intends”) to the case for what the new PMM seeks: a service of prayer and dedication for those forming a civil partnership or same-sex marriage:

There are Christians who believe that it is right and godly for them to enter into a second marriage after the first has been legally dissolved and while the previous partner is still alive. Their decision to remarry is their own, made after due reflection and prayer, and made in good conscience. They believe that God is calling them to this second marriage. They are willing to acknowledge that divorce and remarriage falls short of what God intends, and that in an age when many are rejecting the norm of life-long, exclusive monogamy it is prudent and right that the Church should witness to this norm by refusing to remarry anyone who has been divorced and whose partner is still living. Nevertheless, they seek for more than the priest’s private prayer said with them either in church or at home. They seek

- (1) A means of grace to encourage them along the path which they have chosen;
- (2) An opportunity for sharing their discovered vocation with their friends and neighbours in humility, wonder and joy;
- (3) An acknowledgement of the mercies of God within the family of Christ and of the continuing fellowship and acceptance of one another in the Church.

The report noted that this “would not be a marriage and would contain no marriage vows” and “the service would express penitence for the past, thanksgiving and joy in the present and dedication for the future”. While “in all such expression the Church would, as the Body of Christ, be associated” and any priest using it would be “acting in the name of the Church”, the Church “would not be expressing its approval *or* its disapproval of the marriage” and providing this rather than a marriage service would mean the Church “retaining its witness against divorce and remarriage in general and in the abstract” (para 228). Arguments in its favour included that “it would meet a pastoral need which is difficult legally to meet at present” (para 229) but the report’s authors saw “fundamental objections to the suggestion”. These are again worth quoting in full and applying in relation to same-sex couples being offered the proposed Service of Prayer and Dedication:

We believe that there would be a continuing risk of confusion between the service proposed and the marriage service. It has already been noted that some clergy offer a form of service which closely resembles the marriage service (para 225). Even if the minister had carefully explained the difference between a service of dedication and a marriage service to the couple, it is likely that some of those taking part in the service would be unaware of the distinction. This risk would be increased if, as seems likely, elements of the traditional

ceremonial associated with a wedding appeared in the service. The appearance of the bride in white, the ringing of bells, the wedding march – all these would convey a powerful though misleading message which the words of the service would be unable to correct (para 230).

In addition, while no minister could be compelled to take such a service, “in practice the clergy would come under considerable pressure to make the service available to all who asked for it, since a couple who were denied the use of an official service of the Church would regard this as a mark of disapproval or rejection. If however the service became widely used, there would be a risk of confusion between this service and the marriage service, and it would be difficult for the Church to dispel the impression that it had begun to remarry all comers” (para 231).

What could the service say?: Liturgy and the doctrine of the Church of England

The service the PMM asks the bishops to commend for use must, necessarily, be “a form of service neither contrary to, nor indicative of any departure from, the doctrine of the Church of England in any essential matter” (wording taken from Canon B 5.3). This creates major, probably insurmountable, problems and again highlights the dissimilarities with the existing service of the same name.

The most stark difference is that the 1985 service made clear that those using it were entering the same pattern of life – a lifelong exclusive union of one man and one woman – as any couple who married. Thus the service of prayer and dedication after a civil ceremony includes the following:

N and N , you have committed yourselves to each other in marriage,
and your marriage is recognized by law.

The Church of Christ understands marriage to be,
in the will of God,

the union of a man and a woman,

for better, for worse,

for richer, for poorer,

in sickness and in health,

to love and to cherish,

till parted by death.

Is this your understanding of the covenant and promise that you have made?

Husband
and wife

It is.

It is clearly impossible for a similar witness to the church’s teaching of marriage to be used in a liturgy in relation to a same-sex marriage. Furthermore, precisely because it is not clear what the church’s positive teaching is on the forms of relationship for which the service is being proposed – whether civil partnership or same-sex marriage – it is hard to know what would be said instead.

There are, however, clear legal limits which set out what a service could not say according to the legal advice offered to the House of Bishops and partially reproduced in an appendix to GS 2055. In particular (in para 7 of the appendix)

Canon B 30 summarises the doctrine of the Church of England in relation to marriage. The effect of Canon B 5.3, in the light of the doctrine described in Canon B 30, is that it would not be lawful for a minister to use a form of service which either explicitly or implicitly

treated or recognised the civil marriage of two persons of the same sex as equivalent to holy matrimony.

This means that, without wider legislative changes, it would only be lawful to “use a form of service which celebrated the relationship between two persons of the same sex provided that the form of service did not explicitly or implicitly treat or recognise their relationship as equivalent to holy matrimony” (para 8(c)ii).

Furthermore, given that the House of Bishops have said that (2005 Pastoral Statement quoted in para 9 of the appendix)

the Church of England teaches that “sexual intercourse, as an expression of faithful intimacy, properly belongs within marriage exclusively” (Marriage: a teaching document of the House of Bishops, 1999). Sexual relationships outside marriage, whether heterosexual or between people of the same sex, are regarded as falling short of God’s purposes for human beings

the limitations are likely to be even stronger with the legal advice being (para 9) that

a service which sanctioned or condoned such a sexual relationship would not meet the requirement that a service must “edify the people” and would probably also be contrary to, or indicative of a departure from, the doctrine of the Church of England in an essential matter.

As this advice makes clear, it seems either certain or probable that any form of service (or at least any not set about with various qualifications which would likely undermine their pastoral intent) either “would not be lawful” or “would probably be” contrary to church law. And this is because of the very condition the PMM itself cites ie the need to be “a form of service neither contrary to, nor indicative of any departure from, the doctrine of the Church of England in any essential matter”. These hurdles are greater for a service for same-sex married couples than for those for couples in a civil partnership but the PMM combines these in a single order – “an Order of Prayer and Dedication after the registration of a civil partnership or a same sex marriage”. As a result, the PMM fails to make a crucial distinction and the securing of what it seeks is even harder.

It would therefore appear that the PMM as currently worded is asking for the legally impossible and this raises questions as to whether Private Members are (or should be) offered legal advice concerning the wording of their motions and whether the wording is required to undergo any process of formal legal scrutiny before being offered for signature.

Is there a better way forward?

Inevitably this proposal is likely to be viewed as part of what Ian Paul, commenting on the original Hereford motion, described as [salami-slicing tactics](#) by those seeking to change the church’s teaching. As in relation to remarriage, it is clear that once there is a service of prayer and dedication it becomes much more difficult to argue against a full marriage service. In relation to the church having a service of prayer and dedication but refusing remarriage during the lifetime of a former spouse the constant cry from most students in my early years teaching ethics in a theological college: “If we “bless” such legal marriages why do we refuse to marry the couple in church? Isn’t that hypocritical?”.

Seeing that one fundamental question arising from the wording of the PMM is that it is asking for an impossible liturgy given the church’s teaching, would it not be much better for the church – aided by the House of Bishops Teaching Document promised for 2020 – first to answer a question similar to

that which Synod passed in 1981 in relation to remarriage – “Are there circumstances in which it would be right for a couple legally to enter a civil partnership or same-sex marriage in a church service and/or have a service of prayer and dedication in church after legally entering one of these unions?”.

There would be two ways to answer that question positively:

- *either* show how this change in longstanding practice is nevertheless “neither contrary to, nor indicative of any departure from, the doctrine of the Church of England in any essential matter”
- *or* to offer a theological justification and rationale for redefining that doctrine so as to enable such a liturgical development.

The bishops could follow either route solely on their own authority and, as proposed by the PMM, simply commend such a liturgy. However, given its likely significance for the unity of the Church of England and wider Anglican Communion, it would be much better if any such change took the form of an authorised liturgy supported by teaching from the bishops. This would allow the church as a whole, led by the bishops exercising their roles as teachers and guardians of the faith and the church’s liturgy, to be part of a corporate pastoral and theological discernment. The church could then, guided by the bishops, consider carefully the fundamental question which the PMM seems to sidestep: is the proposed liturgy truly faithful to the teaching on marriage and sexual holiness which we have received and share with the wider church or does it require changes to that teaching to enable such a liturgy?