

# THEOLOGICAL COMMISSION ON SAME-SEX RELATIONSHIPS AND THE MINISTRY

May 2013

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## PREFACE

The General Assembly of 2011 appointed a Theological Commission to bring a Report to the General Assembly of 2013, and gave to the Commission a remit to provide:

- a) 'a theological discussion of issues around same-sex relationships, civil partnerships and marriage';
- b) an examination of whether the Church should permit ministers to bless same-sex relationships 'involving life-long commitments', and to provide a 'form of a blessing', or liturgy, if so agreed, and;
- c) 'an examination of whether persons, who have entered into a civil partnership... should be eligible for... ordination... as ministers of Word and Sacrament or deacons in the context that no member of Presbytery will be required to take part in such ordination or induction against his or her conscience'.

The seven members of the Theological Commission represent a broad spectrum of views within the Church of Scotland, with the Commission equally representing those holding to a Revisionist position on issues of human sexuality (that the Church ought to regard as eligible for ordination as ministers of Word and Sacrament or deacons those who have entered into a civil partnership) and those holding to a Traditionalist position (that the Church ought not to regard as eligible for ordination as ministers of Word and Sacrament or deacons those who have entered into a civil partnership). In this context, the primary task of the Convener is to ensure that the remit given to the Commission has been fulfilled.

In submitting the Report, the Commission is conscious of the complexity of the discussion and the range of matters addressed. The Report seeks to outline the terms of the contemporary discussion on issues of human sexuality, and establishes that the primary context within which this discussion takes place is the Church of Scotland understood as an integral part of the 'One Holy Catholic and Apostolic Church'. Thereafter, it contends that it is within this context that ordination to the ministry of Word and Sacrament, and to the Diaconate, is to be understood. Equally, it is within this context that the authority of the Scriptures of the Old and New Testaments is to be understood, and the interpretation of the Scriptures takes place. Having addressed these matters, the Report specifically addresses the Revisionist Case for affirming that the Church ought to regard as eligible for ordination as ministers of Word and Sacrament or Deacons those who have entered into a civil partnership, before hearing the Traditionalist Case for not so affirming. In the presentation of each Case, the particular members of the Theological Commission who wish to adhere to each Case are named.

The Report of the Theological Commission does not offer a definitive recommendation in favour of one Case, or the other. Rather, it invites the General Assembly to weigh carefully all of the matters before it conscious of the extent to which the decision to be made will shape the identity of the Church of Scotland within the communion of the 'One Holy Catholic and Apostolic Church'.

The backdrop against which the Report has been prepared is a fluid one in which there is a real prospect that the Civil Law with respect to issues of human sexuality will change. In May 2011, there existed no commitment on the part of the Scottish Government or the United Kingdom Government to make provision for the marriage of those in same-sex relationships. In a very short period of time the backdrop has changed such that, even as this Report is being submitted, the Scottish Government and the United Kingdom Government have proposed Bills which, if enacted, would make such a provision. Both of these Bills include clauses which are intended to safeguard any individual religious celebrant who does not wish to officiate at the marriage of persons in a same-sex relationship. If it is the case that the General Assembly decides to affirm the Revisionist Case, it shall only do so 'in the context that no member of Presbytery will be required to take part in such ordination or induction against his or her conscience'. That is, the General Assembly shall require to be satisfied

that safeguards, akin to those offered within the respective Bills with regard to marriage, have been provided to members of any Presbytery who are so minded. The discussion with respect to these matters is complex and does not feature within the main Report. Rather, the discussion of legal matters will be found in a separate Legal Appendix which will be published in the Supplementary Reports.

## DELIVERANCE

### The General Assembly:

1. Receive the Report.
2. **EITHER**
  - a) i) Acknowledge that the question of the ordination of those in same-sex sexual relationships who are also in a Civil Partnership is a matter to which liberty of conscience, guaranteed by the Church on matters that do not enter into the substance of the faith, applies.
  - ii) Approve the Overture anent Civil Partnerships, Ordinations and Appointments, and Services of Recognition, set out in Appendix XXX to the Report, and transmit the same to Presbyteries under the Barrier Act, directing that returns be sent to the Principal Clerk by 31 December 2013;  
*(Appendix XXX will be published in the Supplementary Reports. The principles that will be incorporated into the Overture are set out in Appendix I.)*
  - iii) Instruct the Legal Questions Committee to take all necessary steps to ensure the protections set out in the Overture anent Civil Partnerships, Ordinations and Appointments, and Services of Recognition, in order to enable the Overture, if enacted in 2014, to come into force on a date to be determined by the General Assembly;
  - iv) Approve, in principle, the liturgical material set out in Section 6.14 of the Report, to be authorised for use in the event of the Overture being enacted by the General Assembly of 2014;
  - v) Instruct all Courts, Councils and Committees of the Church not to make decisions in relation to the acceptance of persons in a same-sex relationship for training, ordination and induction as ministers of Word and Sacrament or Deacons, including transfer from another denomination, until 31 May 2014, except as provided for in 2. vi);
  - vi) Notwithstanding the terms of 2. v), allow the induction into pastoral charges of ministers of Word and Sacrament and the appointment of ministers of Word and Sacrament and Deacons ordained before 31 May 2009 who are in a same-sex relationship, and;
  - vii) During the moratorium set out in 2 v), instruct all Courts, Councils and Committees of the Church not to issue press statements or otherwise talk to the media in relation to the acceptance of persons in a same-sex relationship for training, ordination and induction as ministers of Word and Sacrament or Deacons.

### OR:

- b) i) Depart from the trajectory chosen by the General Assembly of 2011.
- ii) Instruct the Ministries Council and the Legal Questions Committee in collaboration to address the pastoral, procedural and legal implications on i) the selection process ii) discipline, and iii) the position of ministers of Word and Sacrament and Deacons in same-sex relationships who were ordained and/or inducted prior to 31 May 2009; and to report with any necessary Act or amendment of Acts to the General Assembly of 2014.

- iii) Reaffirm the view of the General Assembly 2011 that homophobia is a sin, while maintaining that it is not homophobic to express the view that homosexual acts are contrary to God's revealed will.
  - iv) Reaffirm the duty of the Church to minister to people regardless of their sexual orientation, recognising in particular the burden often felt by homosexual Christians striving to maintain celibacy because of their understanding of Scripture.
  - v) Recognise that a homosexual orientation, in itself, is not a barrier to leadership in the Church, including the ministry of Word and Sacrament, the Diaconate and the Eldership.
3. Thank and discharge the Theological Commission.

## REPORT

### 1. Introduction: The Contemporary Debate

#### 1.1 The Task of the Theological Commission

The task of the Theological Commission on Same-Sex Relationships and the Ministry was that set by the General Assembly of 2011 in response to the Report of the Special Commission on Same-Sex Relationships and the Ministry received in that year, with the Special Commission itself having been established by the General Assembly of 2009.<sup>1</sup> The terms under which the Special Commission was established arose out of a Case referred to the General Assembly by a Commission of Assembly in March 2009, and were as follows:

For the sake of the peace and unity of the Church the General Assembly:

Appoint a Special Commission composed of nine persons, representative of the breadth and unity of the Church, to consult with all Presbyteries and Kirk Sessions and to prepare a study on Ordination and Induction to the Ministry of the Church of Scotland in the light of the issues (a) addressed in the report welcomed by the General Assembly of 2007: "A challenge to unity: same-sex relationships as an issue in theology and human sexuality", and (b) raised by

the case of *Aitken et al v the Presbytery of Aberdeen*, and to report to the General Assembly of 2011.<sup>2</sup>

The work of the Special Commission may be said to be characterised by a concern to listen to, and to represent, the voice(s) of the whole Church, and to offer to the Church the means by which to seek a balanced resolution of the 'contentious matters of human sexuality' before it.

In order to set the task of the Theological Commission in context we may recall the core of the deliverances of the Special Commission approved by the General Assembly. In receiving the Report of the Special Commission, the General Assembly adopted the following 'as the proper approach' with respect to the 'pastoral care of homosexual Christians':

It is contrary to God's will that Christians should be hostile in any way to a person because he or she is homosexual by orientation and in his or her practice. In other words we view homophobia as sinful. We do not include in the concept of homophobia both the *bona fide* belief that homosexual practice is contrary to God's will and the responsible statement of that belief in preaching or writing.

<sup>1</sup> *Reports to the General Assembly of the Church of Scotland 2011*, (Special Commission on Same-Sex Relationships and the Ministry) 23/1-23/43.

<sup>2</sup> *Minutes of the General Assembly of the Church of Scotland 2009*, 104-08; *Reports to the General Assembly of the Church of Scotland 2011*, (Special Commission on Same-Sex Relationships and the Ministry) 23/3.

It is the duty of the Church to welcome, minister, and reach out to people regardless of their sexual orientation and practice. The Church should strive to manifest God's love to all of his people.

In particular, the Church should recognise the heavy burden which a homosexual orientation continues to place on some who find it difficult or impossible to reconcile their orientation with their understanding of God's purposes as revealed in the Bible. There is a particular need for the Church to reach out pastorally to them and to make them welcome.<sup>3</sup>

The Theological Commission wishes to affirm the 'pastoral' approach advocated by the Special Commission, and to affirm that a pastoral concern for each person made in the image of God should be evident throughout any theological endeavour which seeks to address the contentious matters before the Church. Irrespective of our view on issues of human sexuality, the Special Commission properly highlights the need for all of the Church's debates to be animated by a pastoral concern. The Theological Commission, albeit that the nature of its task is necessarily different, in presenting its Report, calls the Church to maintain and to develop that pastoral concern.

Thereafter, in seeking to address the question of the 'eligibility of homosexual Christians to hold office', the General Assembly affirmed the answer given by the Special Commission, namely:

People who are homosexual by orientation are not barred by their orientation from membership of the Church or from taking up leadership roles in the Church, including the ministry of Word and Sacrament, the diaconate and eldership.<sup>4</sup>

That is; the General Assembly affirmed that the identification of a person's orientation as homosexual did not, in and

of itself, disbar that person from receiving a vocation to serve within the Church in the offices of; the ministry of Word and Sacrament, the Diaconate and the Eldership, and further affirmed 'the unlawfulness of discrimination in the Church on the grounds of sexual orientation in terms of the Act anent Discrimination (Act V 2007)'. The Theological Commission wishes to affirm the position adopted by the General Assembly in 2011, and to note that such an affirmation is consonant with the desire to pursue its theological task ever mindful of our pastoral concern for each person made in the image of God.

The General Assembly of 2009 established a moratorium instructing 'all Courts, Councils and Committees of the Church not... to make decisions in relation to contentious matters of human sexuality, with respect to Ordination and Induction to the Ministry of the Church of Scotland, until 31 May 2011'; with the terms of that moratorium further clarified by a Commission of Assembly in November 2009.<sup>5</sup> The General Assembly of 2011 extended that moratorium, with one significant modification, in the following terms:

Instruct all Courts, Councils and Committees of the Church not to make decisions in relation to contentious matters of same-sex relationships, accept for training, allow to transfer from another denomination, ordain or... induct any person in a same-sex relationship until 31 May 2013.<sup>6</sup>

As noted, the General Assembly modified its moratorium to the extent that it provided that:

During the moratorium... allow the induction into pastoral charges of ministers and deacons ordained before 31 May 2009 who are in a same-sex relationship.<sup>7</sup>

<sup>3</sup> *Reports to the General Assembly of the Church of Scotland 2011 II*, 24-25.

<sup>4</sup> *Reports to the General Assembly of the Church of Scotland 2011 II*, 24-25.

<sup>5</sup> *Minutes of the General Assembly of the Church of Scotland 2009*, 104-108; *Reports to the General Assembly of the Church of Scotland 2010*, 27/1-27/2.

<sup>6</sup> *Reports to the General Assembly of the Church of Scotland 2011 II*, 24-25.

<sup>7</sup> *Reports to the General Assembly of the Church of Scotland 2011 II*, 24-25.



That is, the General Assembly affirmed that the position of those ministers of Word and Sacrament and members of the Diaconate ordained prior to 31 May 2009 was to be safeguarded. The Theological Commission wishes to affirm the position adopted by the General Assembly in 2011, and to affirm that such a provision ought to be maintained irrespective of the outcome of the debate on Same-Sex Relationships and the Ministry within the Church of Scotland.

The experience of the Special Commission led it to conclude that, notwithstanding the very considerable terrain that it had covered, it had not provided 'a sustained theological addressing of the matters before the Church', and called for the General Assembly to establish a Theological Commission with the task of so providing which it duly did. Thereafter, the Theological Commission was given the following remit:

Resolve to consider further the lifting of the moratorium on the acceptance for training and ordination of persons in a same-sex relationship, and to that end instruct the Theological Commission to prepare a Report for the General Assembly of 2013 containing:

- (i) a theological discussion of issues around same-sex relationships, civil partnerships and marriage;
- (ii) an examination of whether, if the Church were to allow its ministers freedom of conscience in deciding whether to bless same-sex relationships involving life-long commitments, the recognition of such life-long relationships should take the form of a blessing of a civil partnership or should involve a liturgy to recognise and celebrate commitments which the parties enter into in a Church service in addition to the civil partnership, and if so to recommend liturgy therefor;
- (iii) an examination of whether persons, who have entered into a civil partnership and have made life-long commitments in a Church ceremony,

should be eligible for admission for training, ordination and induction as ministers of Word and Sacrament or deacons in the context that no member of Presbytery will be required to take part in such ordination or induction against his or her conscience.<sup>8</sup>

That is, the General Assembly of 2011 resolved to explore a Revisionist understanding of same-sex partnerships which, if finally agreed, would see the ordination to the ministry of Word and Sacrament, and to the Diaconate, of persons in same-sex partnerships, albeit that the General Assembly of 2011 had not itself finally resolved so to do.<sup>9</sup>

<sup>8</sup> *Reports to the General Assembly of the Church of Scotland 2011 II*, 24-25.

<sup>9</sup> We recall that, in so resolving, the General Assembly chose not to adopt the following alternative offered by the Special Commission: (a) Resolve to consider further the implementation of an indefinite moratorium on the acceptance for training and ordination of persons in a same-sex relationship thus maintaining the traditional position of the Church, and to that end:

(1) instruct the Ministries Council and the Legal Questions Committee in collaboration to address the pastoral and procedural implications of such a moratorium on (i) the selection process, (ii) discipline, and (iii) the position of ministers who were ordained and inducted prior to May 2009; and to report to the General Assembly of 2012.

(2) instruct the Theological Commission to continue the process of discernment initiated by the Report received by the General Assembly of 2007: "A Challenge to Unity: Same-sex relationships as an Issue in Theology and Human Sexuality", taking account of the further work of the *Working Group on Human Sexuality*, with respect to Being Single and Marriage, and to report to a future General Assembly. Further, the General Assembly chose not to adopt the following alternative moved from the floor of the Assembly:

(1) Instruct the Theological Commission to continue the process of discernment initiated by the Report received by the General Assembly of 2007: "A Challenge to Unity: Same-sex relationships as an issue in Theology and Human Sexuality", taking account of the further work of the *Working Group on Human Sexuality*, with respect to Being Single and Marriage:

(2) Further instruct the Theological Commission to give full consideration to the Report of the Special Commission on Same-Sex relationships and the Ministry received by the General Assembly of 2011 and to prepare a further report for the General Assembly of 2013 containing:

If the Church were finally so to resolve, such a decision would be complemented by legislation to safeguard the conscience of those who hold to a Traditionalist understanding of same-sex partnerships.

It should be noted that the Theological Commission has continued to use the established terms “Traditionalist” and “Revisionist” as shorthand markers of the theological views held within the Church in respect of same-sex partnerships, whilst recognising their inadequacy in terms of expressing the highly nuanced spectrum of views within the Church, as evidenced in the “Report on the Consultation exercise” undertaken by the Special Commission.<sup>10</sup>

## 1.2 Civil Partnership within Scotland

The wider context within which the Church of Scotland addresses issues of human sexuality is that of

- 
- (i) a theological discussion of issues around same-sex relationships, civil partnerships and marriage;
  - (ii) an examination of whether, if the Church were to allow its ministers freedom of conscience in deciding whether to bless same-sex relationships involving life-long commitments, the recognition of such lifelong relationships should take the form of a blessing of a civil partnership or should involve a liturgy to recognise and celebrate commitments which the parties enter into in a Church service in addition to the civil partnership and, if so, to recommend liturgy therefor;
  - (iii) an examination of whether persons, who have entered into a civil partnership and have made lifelong commitments in a Church ceremony, should be eligible for admission for training, ordination and induction as ministers of Word and Sacrament or deacons in the context that no member of Presbytery will be required to take part in such ordination or induction against his or her conscience; and to report to the General Assembly of 2013.

(3) Meantime, continue the moratorium on the acceptance for training and ordination of persons in same-sex relationships thus maintaining the traditional position of the Church and instruct the Ministries Council and the Legal Questions Committee in collaboration to address the pastoral and procedural implications of further continuing the moratorium on (i) the selection process, (ii) discipline and (iii) the position of ministers who were ordained and inducted prior to May 2009; and to report to the General Assembly of 2013.

<sup>10</sup> *Reports to the General Assembly of the Church of Scotland 2011*, (Special Commission on Same-Sex Relationships and the Ministry) 23/5-23/14.

contemporary Scotland itself, and within that context attitudes to these issues have changed considerably in recent decades. It might be judged that this is nowhere more evident than with respect to civil partnerships. The introduction of civil partnerships from 5 December 2005 (as a result of the Civil Partnership Act 2004 (c.33)<sup>11</sup>) provided legal recognition for same-sex couples, and can be said to be an established feature within the realm of contemporary social norms.<sup>12</sup> That this is so, and that it has impacted upon the attitudes of ministers and office-bearers within the Church of Scotland, may be deduced from the responses to the Special Commission’s Consultation Exercise undertaken in the preparation of their Report. Thus, in answer to the question: *Should a person in a same-sex relationship be permitted to be an ordained minister within the Church?* 38.2% of ‘Individual members of Kirk Sessions’ responding said: Yes; whilst 56.2% said: No. (With respect to ‘Individual members of Presbyteries’, the figures were, Yes: 35.4%, and No: 57.8%.) Thereafter, in answer to the question: *Should a person in a civil partnership be permitted to be an ordained minister within the Church?* 46.2% of ‘Individual members of Kirk Sessions’ responding said: Yes; whilst 47.0% said: No. (With respect to ‘Individual members of Presbyteries’, the figures were, Yes: 45.2%, and No: 47.3%.) Further, in answer to the question: *Should a person in a same-sex relationship be permitted to have a leadership role within the Church?* 47.3% of ‘Individual members of Kirk Sessions’ responding said: Yes; whilst 45.2% said: No. (With respect to ‘Individual members of Presbyteries’, the figures were, Yes: 43.3%, and No: 47.8%.) Finally, in answer to the question: *Should a person in a civil partnership be permitted to have a leadership*

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<sup>11</sup> <http://www.legislation.gov.uk/ukpga/2004/33/contents>

<sup>12</sup> The General Register Office for Scotland records the following figures for the number of Civil Partnerships registered in Scotland: 2005 – 84; 2006 – 1047; 2007 – 688; 2008 – 525; 2009 – 498; 2010 – 465; 2011 – 554 (2011 – Provisional). The General Register Office for Scotland records the following figures for the number of Marriages registered in Scotland: 2005 – 30,881; 2006 – 29,898; 2007 – 29,866; 2008 – 28,903; 2009 – 27,524; 2010 – 28,480; 2011 – 29,135 (2011 – Provisional): <http://www.gro-scotland.gov.uk/statistics/theme/vital-events/general/bmd-preliminary/2011.html>

*role within the Church?* 55.0% of 'Individual members of Kirk Sessions' responding said: Yes; whilst 37.8% said: No. (With respect to 'Individual members of Presbyteries', the figures were, Yes: 50.1%, and No: 41.7%.)<sup>13</sup> Whatever we may make of these statistics, we may reasonably deduce that the provision for civil partnerships has significantly impacted upon the perception of persons in same-sex relationships within the Church of Scotland. Thus, we may suggest that the reality of civil partnerships requires a coherent theological and pastoral response from the Church as a whole insofar as we know the reality of persons sharing in civil partnerships within the life of the Church, and within contemporary Scotland.

### 1.3 The Present Position of the Church of Scotland

The Church of Scotland continues to hold formally to a Traditionalist position on the teaching of the Church in respect of same-sex partnerships, and it would require legislation under the Barrier Act for the Church to depart from that Traditionalist position and to adopt a Revisionist position. That the Special Commission held that the Traditionalist position continues to be the position of the Church of Scotland is indicated when they state:

We are aware that some have argued that the Church has not taken a formal position on homosexual practice. While this may be so, we are of the view that the Church has never formally departed from the traditional teaching of the wider church on homosexuality and our debates have proceeded on that basis.<sup>14</sup>

Given this basis, we recall that in 2009, and thereafter in 2011, the General Assembly formally established, and then extended, a moratorium with respect to those in same-sex relationships who had been ordained and inducted prior

to 31 May 2009.<sup>15</sup> The action of the General Assembly in so doing may be said to constitute an acknowledgement that, notwithstanding the formal position of the Church, it had sustained the decision of a Presbytery to induct a person in a same-sex relationship. However, with respect to *Aitken et al v the Presbytery of Aberdeen*, the General Assembly, whilst upholding the decision of Presbytery and refusing the Dissent and Complaint, affirmed 'for the avoidance of doubt that [the General Assembly's] decision does not alter the Church's standards of ministerial conduct'.<sup>16</sup>

### 1.4 The Task of the Theological Commission: Summary

The task undertaken by the Theological Commission has been the examination of the theological issues relating to a potential change in the status of same-sex partnerships within the Church of Scotland. That is; should the Church of Scotland affirm a Revisionist position on same-sex partnerships and depart from the Traditionalist position?

In summary, we note that the task of the Theological Commission is threefold, to provide:

- (a) 'a theological discussion of issues around same-sex relationships, civil partnerships and marriage';
- (b) an examination of whether the Church should permit ministers to bless same-sex relationships 'involving life-long commitments', and to provide a 'form of a blessing'; or liturgy, if so agreed, and;
- (c) 'an examination of whether persons, who have entered into a civil partnership... should be eligible for... ordination... as ministers of Word and Sacrament or deacons in the context that no member of Presbytery will be required to take part

<sup>15</sup> *Minutes of the General Assembly of the Church of Scotland 2009*, 104-108; *Reports to the General Assembly of the Church of Scotland 2011 II*, 24-25.

<sup>16</sup> *Minutes of the General Assembly of the Church of Scotland 2009*, 89-94: The General Assembly:

- (a) refuse the Dissent and Complaint of Rev Ian Aitken and others against the Presbytery of Aberdeen and sustain the decision of the Presbytery of Aberdeen of 6 January 2009 on the basis that they followed the vacancy procedure set out in Act VIII 2003.
- (b) affirm for the avoidance of doubt that this decision does not alter the Church's standards of ministerial conduct.

<sup>13</sup> *Reports to the General Assembly of the Church of Scotland 2011*, (Special Commission on Same-Sex Relationships and the Ministry) 23/9-23/10.

<sup>14</sup> *Reports to the General Assembly of the Church of Scotland 2011*, (Special Commission on Same-Sex Relationships and the Ministry) 23/28 n.41.

in such ordination or induction against his or her conscience.<sup>17</sup>

In one sense, the task of the Theological Commission, as set out above, appears to be relatively straightforward. However, as need hardly be said, appearances can be deceptive, and the scale of the task set has proven to be considerable. In terms of the Commission's working practice, it was determined that we might best serve the needs of the Church at this time by a recollection of the very considerable body of work in which the Church of Scotland has already addressed many of the issues above, albeit not in the comprehensive form asked of the Theological Commission.

## 1.5 The Contemporary Debate

### 1.5.1 The Contemporary Debate: 1993, 1994 and 1995

In terms of establishing where to begin, the Commission concluded that the contemporary debate within the Church of Scotland may be said to have commenced with Reports to the General Assembly of the then Panel on Doctrine and the then Board of Social Responsibility in 1993, 1994 and 1995. These Reports may be said to have marked a watershed in terms of the exploration of issues relating to marriage and human sexuality.<sup>18</sup> The content and import of these Reports is summarised in the Report of the Working Group on Human Sexuality, received by the General Assembly in 2012.<sup>19</sup> Here it is noted that the 1993 Panel on Doctrine Report 'offered three contributions pertinent to a theology of marriage: on "Marriage and

Heterosexuality in History and Christian Traditions: Some Signposts", "A Reformed Theology of Marriage",<sup>20</sup> and a Church of Scotland response to the Roman Catholic understanding of marriage presented within the Joint Commission on Doctrine'. The latter took up the work of the Joint Commission on Doctrine, received by the General Assembly in 1991 with reference to 'inter-church' marriages,<sup>21</sup> where it was affirmed that:

The Church of Scotland and the Roman Catholic Church affirmed much common theological ground: that marriage is instituted by God as a covenant of love made by husband and wife that is ordered "to the wellbeing of the spouses and to the procreation and education of children".<sup>22</sup>

With respect to the 1994 Panel on Doctrine Report,<sup>23</sup> the Working Group on Human Sexuality noted:

In 1994, the Panel on Doctrine offered its Report "On the Theology of Marriage". At its heart, the Report broadly reaffirmed the traditional view of marriage. However, it also offered an appraisal of non-marital sexual relationships and ventured the view that such relationships might possibly possess 'qualities of which [those related] sincerely believe God approves'.<sup>24</sup> There was a reluctance either to condemn extra-marital sex or same-sex relationships, or to offer a strong affirmation of marriage *exclusively*... In 1994 the General Assembly also heard a report from the Board of Social Responsibility on "Human

<sup>17</sup> *Reports to the General Assembly of the Church of Scotland 2011 II*, 24-25.

<sup>18</sup> *Reports to the General Assembly of the Church of Scotland 1993*, (Panel on Doctrine) 195-230; *Reports to the General Assembly of the Church of Scotland 1993 II*, 16; *Reports to the General Assembly of the Church of Scotland 1994*, (Panel on Doctrine) 257-285; *Reports to the General Assembly of the Church of Scotland 1994 II*, 23; *Reports to the General Assembly of the Church of Scotland 1994*, (Board of Social Responsibility) 500-524; *Reports to the General Assembly of the Church of Scotland 1995*, (Panel on Doctrine) 219-253; *Reports to the General Assembly of the Church of Scotland 1995 II*, 16.

<sup>19</sup> *Reports to the General Assembly of the Church of Scotland 2012*, (Working Group on Human Sexuality) 5/21-5/54.

<sup>20</sup> *Reports to the General Assembly of the Church of Scotland 1993*, (Panel on Doctrine) 216-223; *Reports to the General Assembly of the Church of Scotland 2012*, (Working Group on Human Sexuality) 5/23.

<sup>21</sup> *Reports to the General Assembly of the Church of Scotland 1991*, (Panel on Doctrine) 233-254; *Reports to the General Assembly of the Church of Scotland 1993*, (Panel on Doctrine) 223-229.

<sup>22</sup> *Reports to the General Assembly of the Church of Scotland 1991*, (Panel on Doctrine) 233.

<sup>23</sup> *Reports to the General Assembly of the Church of Scotland 1994*, (Panel on Doctrine) 257-285.

<sup>24</sup> *Reports to the General Assembly of the Church of Scotland 1994*, (Panel on Doctrine) 280.

Sexuality"; dissent from three members of the Board was recorded. Both reports – from the Panel on Doctrine and Board of Social Responsibility – were received, but the General Assembly took no view as to which of either, or any of the dissenting views, best reflected the opinion of the General Assembly and mind of the Church.<sup>25</sup>

As noted, the 1993 and 1994 Reports may be said to have marked a watershed in terms of the exploration of issues relating to marriage and human sexuality, and the reality of this watershed is perhaps best indicated by the inclusion within the 1994 Panel on Doctrine Report of a statement of Dissent by a minority of Panel members, and the subsequent explanation of the reasons for that Dissent.<sup>26</sup>

In concluding that the 1993 and 1994 Reports represented such a watershed, it should not be thought that the Commission took no cognisance of the understanding of human sexuality expressed in the Church prior to these Reports.<sup>27</sup> Indeed, the Commission clearly noted that such expressions were present and that they were primarily Traditionalist in character. Rather, in regarding these Reports as marking a watershed, the Commission sought to begin from the point at which a spectrum of views began to be expressed.

Thus, the general themes used in the 1993 and 1994 Reports signal the emergence within the Church of the understandings of marriage and human sexuality marked by the terms "Traditionalist" and "Revisionist", albeit that the terms are not presented in that polarising fashion. Equally, the 1995 Panel on Doctrine Report, and the

subsequent expression of that in *Marriage Today?*<sup>28</sup>, may be said to have established within the consciousness of many within the Church the view that there is a spectrum of opinion in relation to matters of human sexuality, beyond the simple polarity of Traditionalist and Revisionist. That is not to take a view, at this stage, on whether, or not, the "spectrum of views" approach is a legitimate understanding of the Christian faith's teaching on matters of human sexuality. Rather, it is to say that, in practice, these Reports tended towards establishing the position that there was such a "spectrum of views". That this understanding has been significant and influential within the Church is perhaps best reflected in the consultation exercise, and in the subsequent findings, undertaken by the Special Commission, as noted above.<sup>29</sup> In these findings we see reflected a broad spectrum of understanding and the implicit, as well as explicit, claim by those who hold them that their particular understandings are consonant with the Christian faith.

As indicated, the Theological Commission noted the impact of the 1990s' Reports and the watershed they represent, and subjected these to critical study. In terms of the debate within the Church of Scotland, it was noted that there was a relative lull in the decade thereafter, albeit that this period witnessed "The Section 28 Controversy" in 1999-2000, and the Joint Report of the Board of Social Responsibility and the Committee on Education on this subject.<sup>30</sup> The Joint Report may be thought of as necessarily reactive and to represent an attempt to bind the 'spectrum of views' together for the sake of the unity of the Church, with the Board and the Committee themselves reflecting different points on the spectrum in relation to the issue.<sup>31</sup>

<sup>25</sup> *Reports to the General Assembly of the Church of Scotland 2012*, (Working Group on Human Sexuality) 5/23-5/24.

<sup>26</sup> *Reports to the General Assembly of the Church of Scotland 1994*, (Panel on Doctrine) 285; Panel on Doctrine (Dissenting Members), *Church of Scotland Panel on Doctrine Report on the Theology of Marriage (1994): Why Dissent? (1994)*.

<sup>27</sup> Macdonald, Finlay A.J., *Confidence in a Changing Church* (Edinburgh: Saint Andrew Press, 2004), 145-166, provides a helpful summary of the understandings formally adopted within the Church of Scotland from the 1950s onwards.

<sup>28</sup> Panel on Doctrine, *Marriage Today?* (Edinburgh: Church of Scotland, 1995).

<sup>29</sup> *Reports to the General Assembly of the Church of Scotland 2011*, (Special Commission on Same-Sex Relationships and the Ministry) 23/5-23/14.

<sup>30</sup> *Reports to the General Assembly of the Church of Scotland 2000 II*, (Department of Education and the Board of Social Responsibility) 36/23-36/27 & 36-37.

<sup>31</sup> Macdonald, Finlay A.J., *Confidence in a Changing Church*, 157-160.

### 1.5.2 The Contemporary Debate: The Blessing of Civil Partnerships

Thereafter, the debate may be said to have been rejoined in the Report of the Legal Questions Committee in 2006 in relation to proposals to permit ministers of Word and Sacrament to mark the occasion of a civil partnership with a subsequent Service of Blessing.<sup>32</sup> The Barrier Act procedure thereafter led to the defeat of the proposals, with 9 Presbyteries Approving and 36 Disapproving of the proposed legislation, albeit that, in terms of the individual numbers of members voting (1001-1561), the result was considerably closer.<sup>33</sup> Equally, the extent to which the outcome of the Barrier Act procedure may be said to have resolved the issue was set in context by the Opinion of the then Principal Clerk, the Very Rev Finlay A J Macdonald, given at the General Assembly of 2007.<sup>34</sup>

<sup>32</sup> *Reports to the General Assembly of the Church of Scotland 2006*, (Legal Questions Committee) 6.4/9-6.4/11 & 6.4/15.

<sup>33</sup> *Reports to the General Assembly of the Church of Scotland 2007*, (Returns to Overtures) 22/1-22/3.

<sup>34</sup> In the context of the Report on the Returns to Overtures, he stated: 'There were two proposals before last year's General Assembly. The Legal Questions Committee asked the Assembly to declare that "a minister or deacon who conducts any service marking a civil partnership does not commit a disciplinary offence in terms of Act III 2001 (as amended)". The proposal also made explicit that "no minister or deacon shall be compelled to or obliged to conduct such a service against his or her conscience". A counter-proposal asked the General Assembly to instruct that "no minister or deacon shall conduct any service marking a civil partnership". Before putting the matter to a vote the General Assembly agreed that, whichever proposal was successful, the matter would be referred to presbyteries under the Barrier Act. When a vote was taken the Legal Questions Committee's proposal carried. However, the proposal did not receive the consent of a majority of presbyteries. This means that Presbyteries have failed positively to affirm that "a minister or deacon who conducts any service marking a civil partnership does not commit a disciplinary offence in terms of Act III, 2001 (as amended)". However, it does not follow from that failure that a minister or deacon who so acts does commit a disciplinary offence. For that to have become the position it would have been necessary for the unsuccessful Overture from last year's Assembly to have prevailed, gone done under the Barrier Act, received the support of a majority of presbyteries and been converted into a standing law of the Church this year. In effect, the Church is back where it was before

### 1.5.3 The Contemporary Debate: The Working Group on Human Sexuality

Having reflected on the significance of the question of civil partnerships, and the significance of the decision not to authorise the Blessing of these, the Theological Commission turned thereafter to reflect on the contribution made by the Working Group on Human Sexuality. Established in 2005, and taking up work initiated by the Panel on Doctrine, the Commission acknowledges its indebtedness (and the indebtedness of the Church of Scotland) to the Working Group for the three Reports which offer to the Church one of the most balanced and thoughtful series of Reports to address the range of questions raised by issues of human sexuality. The initial Report in this series; *A challenge to unity: same-sex relationships as an issue in theology and human sexuality*, received by the General Assembly in 2007, may be regarded as having set a benchmark in terms of the manner in which the issues were comprehensively and sensitively articulated.<sup>35</sup> Equally, the Commission observed that the issues raised were placed within the context of the unity of the Church, with it being acknowledged that they raised profound questions with respect to the integrity of the communion professed in the credal affirmation of our belief in: 'One Holy Catholic and Apostolic Church'. The process initiated by the Report urged the Church to enter into a 'prayerful dialogue' with respect to this particular '*challenge to unity*', and the Report was widely disseminated within the Church, albeit that there was no formal method for reporting on the responses engendered by the dialogue.<sup>36</sup> That process was overshadowed by the impact of *Aitken et al. v. the Presbytery of Aberdeen* in 2009, and the deliverance accepted by the General Assembly in

last year's General Assembly, with the uncertainty highlighted by the Legal Questions Committee remaining. There is no law of the Church specifically authorising ministers to mark civil partnerships and no law specifically forbidding it.' *Minutes of the General Assembly of the Church of Scotland 2007*, 51.

<sup>35</sup> *Reports to the General Assembly of the Church of Scotland 2007*, (Working Group on Human Sexuality) 4/9-4/39; *Reports to the General Assembly of the Church of Scotland 2007 II*, 8.

<sup>36</sup> *Reports to the General Assembly of the Church of Scotland 2007 II*, 8.

2009 which established the Special Commission on Same-Sex Relationships and the Ministry may be understood as a recalling of the Church to the process initiated in 2007 by *A challenge to unity: same-sex relationships as an issue in theology and human sexuality*, albeit that the context had been significantly altered by the decision of the General Assembly in *Aitken et al. v. the Presbytery of Aberdeen*.<sup>37</sup>

The Theological Commission suggests that the intention of the General Assembly of 2009, in accepting the deliverance, was to provide the Church with the opportunity to reflect upon one of the most serious challenges to the 'unity and peace' of the Church ever faced. For Traditionalists within the Church, issues of human sexuality, as presented in the current debate, have become a matter of critical theological concern. Equally, the debate is perceived to be one in which the very status of the Scriptures of the Old and New Testaments is threatened and their teaching undermined.<sup>38</sup> From that perspective; if the Church as a whole were to depart from the teaching of Scripture, as understood by Traditionalists, in relation to issues of human sexuality, it would thereby distance itself from the reality of what it means to be an integral part of the 'One Holy Catholic and Apostolic Church', and the Church of Scotland could no longer affirm that it 'adheres to the Scottish Reformation; receives the Word of God which is contained in the Scriptures of the Old and New Testaments as its supreme rule of faith and life; and avows the fundamental doctrines of the Catholic faith founded thereupon'.<sup>39</sup> For some Revisionists within the Church, issues of human sexuality have also become a matter of critical theological concern, albeit in a sense diametrically opposite from that understood by Traditionalists, insofar as a refusal by the Church to acknowledge the givenness and expression of a person's sexuality can be interpreted as a denial of that which is understood by Revisionists as

God-given. Equally, the self-same Scriptures appealed to by Traditionalists are those appealed to by Revisionists, who also wish to affirm that they 'receive... the Word of God which is contained in the Scriptures of the Old and New Testaments'. The opportunity to reflect together upon these issues is one that takes us to the heart of what it is to be part of the 'One Holy Catholic and Apostolic Church'. The task of the Theological Commission is, in part, to continue the process initiated by '*A challenge to unity*', and to ask, in addressing issues of human sexuality: What does it mean to be part of the 'One Holy Catholic and Apostolic Church'?

As noted above, the Working Group on Human Sexuality produced a series of three Reports and we have rightly directed attention to the reception of *A challenge to unity: same-sex relationships as an issue in theology and human sexuality*. Perhaps inevitably, the reception of the second Report: *Being Single: In Church and Society* in 2009,<sup>40</sup> was overshadowed by *Aitken et al. v. the Presbytery of Aberdeen* and the establishing of the Special Commission on Same-Sex Relationships and the Ministry. Insofar as this was the case, this is to be regretted inasmuch as the Report offers a theological analysis of the human person which, whilst ever conscious of issues of human sexuality, raises profound questions as to the nature of human personhood. That is, the Report raises questions relating to the nature of human personhood and human relationships which are explicitly founded on the prior acknowledgement that:

God is God in relationship. As Father, Son and Holy Spirit, God is Trinity, three persons in perichoresis, the notion being that there is relationship, sharing, mutuality love and togetherness within the Godhead.<sup>41</sup>

Thus, the Christian apprehension of God is founded on the revelation of the nature of God unveiled in and through the person of Jesus Christ and by the Holy Spirit.

<sup>37</sup> *Minutes of the General Assembly of the Church of Scotland 2009*, 89-94, 104-108.

<sup>38</sup> Pannenberg, Wolfhart, "Revelation & Homosexual Experience", *Christianity Today* (11 November 1996), 35-37.

<sup>39</sup> *Articles Declaratory of the Constitution of the Church of Scotland: Article I.*

<sup>40</sup> *Reports to the General Assembly of the Church of Scotland 2009*, (Working Group on Human Sexuality) 4/58-4/102.

<sup>41</sup> *Reports to the General Assembly of the Church of Scotland 2009*, (Working Group on Human Sexuality) 4/78.

Thereafter, each person who bears the image of God is open to the divinely-created possibility of living their lives in communion with the God so revealed.

#### 1.5.4 The Contemporary Debate: *Believing in Marriage*

The final Report of the Working Group on Human Sexuality: *Believing in Marriage* was received by the General Assembly in 2012.<sup>42</sup> Given the significance of the discussion on marriage at this time, we may recall the conclusions of the Report in extended form as a guide to our further reflections. Indeed, we may suggest that the Church requires to hold this Report, and all of the various Reports referenced, within its collective memory in seeking to discern the will of God at this time. Thus, the Report seeks to set an understanding of marriage within the context of contemporary Scottish life and experience. Thereafter, it reflects upon the debates within the Church of Scotland, before setting marriage within the perspective(s) of the Old Testament and the New Testament. The Report states:

In summary, we find marriage in the Old Testament in creation accounts, in stories of God's people, in law, wisdom and in prophecy. There is no explicit overarching theology of marriage, and it is not straightforward to harmonise the disparate accounts and emphases. However, certain themes do carry weight within Old Testament perspective. The one-flesh procreative union of a man and woman is presented as basic to God's created order, its goodness reflected in celebrations of love and family. God's covenant is expressed in the promise of offspring, and his covenant blessing is known, and his purpose realised to a great extent in child-bearing and family life. Prophetic discourse, in exploring God's covenantal relationship with Israel, describes God as the faithful husband to an often wayward wife, and implies that human marriage should reflect God's faithfulness and exclusivity. And legal material was

given, embedded within a variety of narratives, which among other things made provision for divorce.<sup>43</sup>

Thereafter, in summing up the perspective of the New Testament and comparing it with that of the Old Testament, the Report states:

There are clearly both continuities and discontinuities between Old and New Testament perspectives on marriage. There is clear continuity when the gospels explicitly interpret Genesis 2:24 as an indication of the Creator's intent that marriage be monogamous and for life; and although the New Testament primarily addresses Christian disciples, it understands the call to marital faithfulness to be universal, and adultery to be a mark of general rebellion against the Creator.<sup>44</sup>

In seeking to understand the nature of the discontinuity, the Report states:

However, whereas the Old Testament uniformly sees marriage and procreation as signs of God's blessing and human virtue, both in the order of Creation and amongst the covenant people, the New Testament moves in a different direction. First, there is a departure from the assumption that marriage is for all – living in the light of Christ may have different implications for disciples. Second, there is almost silence on the issue of procreation – no longer is this a significant means of God fulfilling his promises to his people. Disciples are called into relationship with God in Christ, and with each other, and that relationship stands apart from, and perhaps even in tension with, the 'normal' social order of family life. This differing attitude can in part be explained by how the people of God are to be constituted in the light of the gospel. No longer is belonging seen as genealogical. It is not birth but belief that defines who belongs. It

<sup>42</sup> *Reports to the General Assembly of the Church of Scotland 2012*, (Working Group on Human Sexuality) 5/21-5/54.

<sup>43</sup> *Reports to the General Assembly of the Church of Scotland 2012*, (Working Group on Human Sexuality) 5/29.

<sup>44</sup> *Reports to the General Assembly of the Church of Scotland 2012*, (Working Group on Human Sexuality) 5/37.



is primarily mission and not procreation that ensures the growth of God's people, although this is not to deny that the divine covenant has always included the children of believers. Further, whereas the Mosaic Law assumes an intention to regulate the social order of Israel as a whole, the New Testament assumes that God's people will exist as a minority differentiated from the wider social order, a differentiation existing even within the same family structure.<sup>45</sup>

In identifying the underlying rationale for the expression of discontinuity, the Report suggests that this is expressed in terms of particular 'theological motifs'. Thus:

The theological motifs governing marriage also change. The New Testament views both Creation, and God's covenant relationship to his people, in the light of Christ. As the Old Testament compares marriage to God's covenant with Israel, the New Testament compares marriage to Christ's relationship with his Church. Furthermore, the theme of an expected marriage between Yahweh and his people is drawn into the New Testament and presented as part of the self-understanding of Jesus. The kingdom of God is compared to a marriage-feast thrown in honour of the coming bridegroom (Matthew 9:14-15, 22:1-2; 25:1, Mark 2:18-20, Luke 5:33-35). Jesus himself is portrayed explicitly as this expected bridegroom, whose return is delayed.<sup>46</sup>

With respect to the Reformed and Scottish Reformed understanding of marriage, the Report contends that:

The principal change which took place in the theological understanding of marriage at the Reformation was the Reformers' departure from teaching that marriage had sacramental status. Though 'instituted by God' and 'a good and holy

ordinance of God', marriage is not a sacrament, wrote Calvin.<sup>47</sup> There is no clear institution by Christ. It is not an outward ceremony appointed by God to confirm a promise.<sup>48</sup> Alongside Calvin's theological argument was a clear concern, as he saw it, that all sorts of errors and customs had intruded into the church's understanding and practice.<sup>49</sup>

Equally, it notes that:

Marriage not being fundamental to the faith, it received no mention in the Scots Confession of 1560, but it was certainly present in the First Book of Discipline (also of 1560), designed to shape church, state and discipleship. There was a high view of marriage, in common with what was to be found in Calvin. Divorce was permissible, though only on grounds of adultery, and re-marriage possible only under certain conditions.<sup>50</sup>

In seeking to summarise the present state of the Church's understanding of the nature of marriage the Report draws upon a perceived ecumenical consensus, as exemplified in the work of 'the Joint Commission on Doctrine connecting the Church of Scotland and the Roman Catholic Church'. Thus, the Report states:

<sup>47</sup> Calvin, John, *Institutes of the Christian Religion* (London: SCM, 1960), 4.19.34, citing; Genesis 2.21-24 and Matthew 19.4-12.

<sup>48</sup> Calvin, John, *Institutes of the Christian Religion* 4.19.34.

<sup>49</sup> Calvin, John, *Institutes of the Christian Religion*, 4.19.37.

<sup>50</sup> *Reports to the General Assembly of the Church of Scotland 2012*, (Working Group on Human Sexuality) 5/38-5/39. We note that the *Marriage Act 1567 (c.16)*, which was not finally repealed until the *Marriage (Scotland) Act 1977 (c.15)*, may be said to have established the legal basis for marriage within Scotland. (See; Brown, K.M., et al., (ed's) *The Records of the Parliaments of Scotland to 1707* (St Andrews: University of St Andrews, 2007-2012): <http://www.rps.ac.uk/trans/A1567/12/15> (hereafter: <http://www.rps.ac.uk/>.) Further, we note that the Scottish Parliament enacted legislation consonant with this in the *Adultery Act 1563 (c.10)*: (<http://www.rps.ac.uk/trans/A1563/6/10>) Thereafter, Parliamentary legislation established desertion as a ground of divorce in the *Divorce for Desertion Act 1573 (c.1)*: (<http://www.rps.ac.uk/trans/A1573/4/2>)

<sup>45</sup> *Reports to the General Assembly of the Church of Scotland 2012*, (Working Group on Human Sexuality) 5/37.

<sup>46</sup> *Reports to the General Assembly of the Church of Scotland 2012*, (Working Group on Human Sexuality) 5/37.

There is a broad common understanding that marriage is part of God's created order, given for all times and places; that marriage is for the mutual love of husband and wife, and for the bearing and rearing of children; and that marriage makes public the consent of both parties. Both traditions also recognise that there is a sense in which some marriages are Christian marriages, reflecting the faith and discipleship of husband and wife; and that it is particularly appropriate for Christians to marry in a service of Christian prayer.<sup>51</sup>

In seeking to identify the specifically Christian character of marriage, the Report continues:

The Christian understanding of marriage is that it is a universal human institution originating as part of God's created order... This may give rise to the question: what is meant then by *Christian marriage*? For it cannot at any deep level simply mean a marriage which begins with a church ceremony, or one conducted by a minister. Instead, there seems some sense in understanding Christian marriage as the marriage of Christians, in that Christians, followers of Christ, endeavour by grace through faith to live generous, loving and self-sacrificing lives in marriage as in the other arenas of life, work, family, society and church. Just as our humanity is fully revealed and completed in Christ, so too are our marriages – they are intended to be understood and lived out within Christ's love for his Church. Thus we may say that Christian marriages are the marriages shared by Christian people...Where both husband and wife are Christian, the profound mutual, covenantal dimension for their discipleship in marriage is clear, and for Christians married to non-Christians, there is a straightforward sense that it is as followers of Christ that they live out their marriages. While marriage makes moral demands on all husbands and wives,

the Christian spouse is called to behave in marriage not only as a spouse but as a disciple of Christ.<sup>52</sup>

Thereafter, in seeking to draw together its conclusions, *Believing in Marriage* states:

Marital love, seen covenantally, displays the hallmarks of faithfulness, exclusivity, self-giving and forgiveness, and belongs for Christians to their life of discipleship, depending on the help of the Spirit... Other forms of partnership may well display the characteristics of married love, and be marriage-like in every way but for the public expression and witnessing of the commitment to permanence. Marriage offers the additional possibility of church solemnisation, which allows for the making of promises within the context of Christian prayer and acknowledgment of our calling to discipleship. And while extending marriage to same-sex couples is beginning to be debated in society and the church, this would constitute a major break with Scripture and church practice through the ages.<sup>53</sup>

The Theological Commission acknowledges its indebtedness to the Working Group on Human Sexuality; in particular with respect to *Believing in Marriage*. In drawing on the insights of *Believing in Marriage*, the Commission acknowledges that this Report expresses the mind of the Church on this matter at this time, and is consonant with the Church of Scotland's Response to the Scottish Government's: *The Registration of Civil Partnerships – Same Sex Marriage: A Consultation*.<sup>54</sup> In the Response, it is stated:

The Church has only ever taught that marriage is the union of a man and a woman. Scriptural references to marriage, whether literal or metaphorical, all operate under this understanding. Furthermore the point

<sup>51</sup> *Reports to the General Assembly of the Church of Scotland 2012*, (Working Group on Human Sexuality) 5/41.

<sup>52</sup> *Reports to the General Assembly of the Church of Scotland 2012*, (Working Group on Human Sexuality) 5/42.

<sup>53</sup> *Reports to the General Assembly of the Church of Scotland 2012*, (Working Group on Human Sexuality) 5/53-5/54.

<sup>54</sup> (Edinburgh: Scottish Government, September 2011).

is established within the Reformed tradition of the Church, not least in its subordinate standards. The Church sees itself as part of the catholic or universal Church within which there is agreement, across confessional divides, that marriage is between one man and one woman.<sup>55</sup>

### 1.5.5 The Contemporary Debate: Marriage within Scotland

The issues raised in *The Registration of Civil Partnerships – Same Sex Marriage: A Consultation* may be said to further indicate the extent to which attitudes to issues of human sexuality have changed within contemporary Scotland in recent decades. Equally, the Response of the Church of Scotland to the *Consultation* reflects the Church's current understanding of the nature of marriage.<sup>56</sup> Subsequent to this initial consultation, the Scottish Government intimated its intention to legalise same-sex marriage.<sup>57</sup> Any proposed legislation would require to take cognisance of the implications of such a proposal in relation to the Equality Act 2010 (c.15),<sup>58</sup> the Marriage (Scotland) Act 1977 (c.15),<sup>59</sup> and the Civil Partnership Act 2004 (c.33).<sup>60</sup> In particular, we note that the Scottish Government has indicated that it is not within the competence of the Scottish Parliament to provide the protection of the rights of any individual religious

celebrant who does not wish to officiate at the marriage of same-sex partners, and that such protection requires legislative provision by the United Kingdom Parliament.<sup>61</sup> The Scottish Government's further consultation on a draft Marriage and Civil Partnership (Scotland) Bill, and the necessary amendments to the Equality Act 2010 (c.15),<sup>62</sup> to allow same-sex marriage in Scotland is in process at the time of the writing of this Report.<sup>63</sup>

### 1.6 The Contemporary Debate: A Summary of Theological Issues

Our summary of the previous Reports received by the General Assembly has enabled us to recollect the debate on issues of human sexuality within the Church of Scotland to date. The particular theological matters identified in so doing, excepting marriage and civil partnership, are (at least) three-fold:

- (a) The identity of the Church of Scotland as a Church within the communion of the 'One Holy Catholic and Apostolic Church';
- (b) The ministry of Word and Sacrament and the ministry of the Diaconate within the Church of Scotland, understood as expressions of ministry within the 'One Holy Catholic and Apostolic Church';
- (c) The authority of the Scriptures of the Old and New Testaments within the Church of Scotland, interpreted within the context of the 'One Holy Catholic and Apostolic Church'.

The particular theological matters identified are not to be understood as an exhaustive list of all of the matters highlighted within the previous Reports received by the General Assembly, or raised within the debates of the Church. Rather, they are to be understood as those which

<sup>55</sup> <http://www.actsparl.org/official-responses/church-of-scotland.aspx?page=2>

<sup>56</sup> <http://www.actsparl.org/official-responses/church-of-scotland.aspx?page=2>

<sup>57</sup> *Same sex marriage to be legalised* (Edinburgh: Scottish Government, July 2012): <http://www.scotland.gov.uk/News/Releases/2012/07/same-sex25072012>  
*Registration of Civil Partnerships, Same Sex Marriage: Consultation Analysis* (Edinburgh: Scottish Government, July 2012): <http://www.scotland.gov.uk/Publications/2012/07/5671/downloads>  
*Consultation on the registration of civil partnership and same sex marriage – responses from organisations* (Edinburgh: Scottish Government, July 2012): <http://www.scotland.gov.uk/Publications/2012/07/9221/0>

<sup>58</sup> <http://www.legislation.gov.uk/ukpga/2010/15/contents>

<sup>59</sup> <http://www.legislation.gov.uk/ukpga/1977/15>

<sup>60</sup> <http://www.legislation.gov.uk/ukpga/2004/33/contents>

<sup>61</sup> *Same sex marriage to be legalised* (Edinburgh: Scottish Government, July 2012): <http://www.scotland.gov.uk/News/Releases/2012/07/same-sex25072012>

<sup>62</sup> <http://www.scotland.gov.uk/Publications/2012/12/9433/downloads>

<sup>63</sup> *Same sex marriage* (Edinburgh: Scottish Government, December, 2012): <http://www.scotland.gov.uk/News/Releases/2012/12/ssm12dec>

might reasonably be said to be comprehended within the terms of the remit of the Theological Commission insofar as the Commission sought to address the issues of human sexuality within the context of the 'One Holy Catholic and Apostolic Church'. The Commission's attempt to address these issues requires us to consider more fully the nature of the 'One Holy Catholic and Apostolic Church', in order that we may place issues of human sexuality within a more comprehensive ecclesiological framework.

### 1.7 'One Holy Catholic and Apostolic Church': The Nicene Creed

The credal affirmation; 'we believe One Holy Catholic and Apostolic Church' is found in the Nicene Creed, with the Creed itself the result of the process of credal formulation during the 4th and 5th Centuries A.D., as evidenced in the four Ecumenical Councils of Nicaea (325 A.D.), Constantinople (381 A.D.), Ephesus (431 A.D.) and Chalcedon (451 A.D.).<sup>64</sup> In terms of the reception of the Nicene Creed within the Church of Scotland, the General Assembly of December 1566 received the *2nd Helvetic Confession* (1566),<sup>65</sup> and ordered that it be published under the authority of the Assembly.<sup>66</sup> The *2nd Helvetic Confession* (XI.17) affirms, with respect to the reception of the Creeds of the four Ecumenical Councils:

And, to say many things with a few words, with a sincere heart we believe, and freely confess with open mouth, whatever things are defined from the Holy

<sup>64</sup> See; Kelly, J.N.D., *Early Christian Creeds* (3rd ed.) (London: Longman & Co., 1972); Kelly, J.N.D., *Early Christian Doctrines* (5th ed.) (London: A.&C. Black, 1977); Seitz, Christopher R., (ed.) *Nicene Christianity* (Grand Rapids, MI: Brazos Press, 2001); Young, Frances M., *The Making of the Creeds* (London: SCM, 1991), and; Young, Frances M., *From Nicaea to Chalcedon* (2nd ed.) (London: SCM, 2010).

<sup>65</sup> See; Presbyterian Church (U.S.A.), *The Constitution of the Presbyterian Church (U.S.A.) (Part I): The Book of Confessions* (Louisville, KY: Office of the General Assembly, 2004), 51-116, or; Beeke, Joel R. & Ferguson, Sinclair B. (ed's), *Reformed Confessions Harmonized* (Grand Rapids, MI: Baker Books, 1999), x-xi, and; *passim*.

<sup>66</sup> *Acts and Proceedings of the General Assemblies of the Kirk of Scotland: 1560-1618* (Edinburgh: Maitland Club, 1839): <http://www.british-history.ac.uk/report.aspx?compid=58934>

Scriptures concerning the mystery of the incarnation of our Lord Jesus Christ, and are summed up in the Creeds and decrees of the first four most excellent synods convened at Nicaea, Constantinople, Ephesus and Chalcedon.

The historic General Assembly convened at Glasgow in November 1638 approved all Acts of the General Assembly previously set aside,<sup>67</sup> and in so doing reaffirmed its reception of the *2nd Helvetic Confession*, and, consequently; the Nicene Creed.<sup>68</sup>

## 2. The identity of the Church of Scotland as a Church within the communion of the 'One Holy Catholic and Apostolic Church'

### 2.1 The Church of Scotland as a Member of the 'One Holy Catholic and Apostolic Church'

In identifying the communion professed in the credal affirmation of our belief in: 'One Holy Catholic and Apostolic Church', as a significant element in the theological framework within which we seek to understand issues of human sexuality, we may begin by exploring the theological identity of the Church of Scotland.

In so doing, a principal point of reference is to be found in the *Articles Declaratory of the Constitution of the Church of Scotland in Matters Spiritual* [hereafter; *Articles Declaratory*].<sup>69</sup> Thus, we note *Article I* where it affirms that the Church of Scotland understands itself to be an integral member 'of the Holy Catholic or Universal Church'; whose worship is Trinitarian in character; which receives the Word of God as the constitutive source of its 'faith and life'; and; which 'avows the fundamental doctrines of the Catholic faith' founded upon the Word of God.

<sup>67</sup> *Acts of the General Assembly of the Church of Scotland: 1638-1842* (Edinburgh: Church of Scotland, 1843): <http://www.british-history.ac.uk/report.aspx?compid=60083>

<sup>68</sup> Wotherspoon, H.J. & Kirkpatrick, R.S. (ed's), *A Manual of Church Doctrine according to the Church of Scotland*, (2nd ed.) (London: 1960), 65-66.

<sup>69</sup> [http://www.churchofscotland.org.uk/about\\_us/church\\_law/church\\_constitution/](http://www.churchofscotland.org.uk/about_us/church_law/church_constitution/); Weatherhead, James L., *The Constitution and Laws of the Church of Scotland* (Edinburgh: Church of Scotland, 1997), 159-161.

In seeking to expand upon what it is that the Church of Scotland understands itself to be as an integral member 'of the Holy Catholic or Universal Church', we have recourse to the affirmation of the Creed where we confess belief in 'One Holy Catholic and Apostolic Church'. These creedal marks of the Church are not to be understood as the possession of the Church (of Scotland, or; of any Church) in and of itself, rather it is Christ, through the Holy Spirit, who makes the Church to be 'One Holy Catholic and Apostolic', and calls the Church to be faithful to its vocation as the community which is the embodiment of these marks.

## 2.2 One

In relation to these marks, we note that the vocation to be One is particularly expressed in *Article VII*, where it is affirmed:

The Church of Scotland, believing it to be the will of Christ that His disciples should be all one in the Father and in Him, that the world may believe that the Father has sent Him, recognises the obligation to seek and promote union with other Churches in which it finds the Word to be purely preached, the sacraments administered according to Christ's ordinance, and discipline rightly exercised.

*Article VII* specifically embodies the High Priestly Prayer of Christ in John 17, as well as the distinctively Reformed 'notes' of the Church found in the *Scots Confession* (XVIII, XXV). That is, the distinctively Scottish affirmation that there are three 'notes of the true Kirk'; 'the Word to be purely preached, the sacraments administered according to Christ's ordinance, and discipline rightly exercised'. Further, the *Scots Confession* (XVI) links the unity of the Church to the unity of the Trinity, when it confesses:

As we believe in one God, Father, Son, and Holy Ghost, so we firmly believe that from the beginning there has been, now is, and to the end of the world shall be, one Kirk.

The identity of the Church of Scotland as an integral member 'of the Holy Catholic or Universal Church' is rooted

in the identity of the Triune God, as it is mediated to us in the economy of salvation through the person of Jesus Christ and by the Holy Spirit. *The Scots Confession* reminds us that the vocation of the Church is in response to the High Priestly Prayer of Jesus the Son that we may be 'one', and to seek to realise this in order 'that the world may believe'. (John 17: 20-26)

Thus, the vocation to be One is rooted in the very nature and being of the Triune God, as discerned within the life of the 'One Holy Catholic and Apostolic Church'.

## 2.3 Holy

Thereafter, in relation to the vocation to be Holy, the Church as the community for whom Christ gave himself up in order that we might be 'holy' (Ephesians 5: 25-27), and which confesses 'Jesus is Lord' through the Holy Spirit (1 Corinthians 12: 3) may be said to especially realise this aspect of its vocation in the Lord's Supper, where we pray:

Almighty God, to whom all hearts are open, all desires known, and from whom no secrets are hidden: cleanse the thoughts of our hearts by the inspiration of your Holy Spirit, that we may perfectly love you, and worthily magnify your holy name; through Christ our Lord.<sup>70</sup>

And thereafter proclaim:

Holy, holy, holy Lord, God of power and might,  
heaven and earth are full of your glory.  
Hosanna in the highest.  
Blessed is He who comes in the Name of the Lord:  
Hosanna in the highest.<sup>71</sup>

The Church whose vocation it is to be Holy is one that, in the gifts of bread broken and wine outpoured, shares in the communion of the body of Christ and of the blood of Christ. In the act of communion the Church acknowledges

<sup>70</sup> Panel on Worship, *Book of Common Order of the Church of Scotland* (Edinburgh: Saint Andrew Press, 1994), 122.

<sup>71</sup> Panel on Worship, *Book of Common Order of the Church of Scotland*, 133.

that Christ has given himself up in order that we might be 'holy', and understands its vocation to be Holy as one in which it is called to live out its vocation in the world having prayed:

And here we offer and present to you our very selves,  
To be a living sacrifice, dedicated and fit for your acceptance;  
through Jesus Christ our Lord.<sup>72</sup>

Thus, the vocation to be Holy is rooted in our worship of the Triune God within the life of the 'One Holy Catholic and Apostolic Church'.

#### 2.4 Catholic

Further, in relation to the vocation to be Catholic, we may recall the teaching of the *Scots Confession* (XVI) where it confesses:

This Kirk is Catholic, that is, universal, because it contains the chosen of all ages, of all realms, nations, and tongues... who have communion and society with God the Father, and with His Son, Christ Jesus, through the sanctification of His Holy Spirit.

In similar vein, the *Scots Confession* (XVI) confesses of the 'one Kirk':

It is therefore called the communion... of saints, who, as citizens of the heavenly Jerusalem, have the fruit of inestimable benefits, one God, one Lord Jesus, one faith, and one baptism.

In this, we are recalled to our baptism, in company with the peoples of 'all nations', in the name of the Father, the Son, and the Holy Spirit, (Matthew 28: 18-20) with that baptism understood in terms of the death and resurrection of Christ. (Romans 6: 1-14)

The self-understanding of the Church of Scotland as an integral member 'of the Holy Catholic or Universal Church' implies that this Church is not, in itself, autonomous,

and that as a consequence it ought to have regard in its decision-making to the mind of the Church catholic in as full and open a manner as it is possible to realise. Catholicity implies an openness to the hearing of the voice(s) of the Church in the process of discerning the voice of the Spirit.

Thus, the vocation to be Catholic is rooted in our communion with the Triune God in whose name we are baptised within the life of the 'One Holy Catholic and Apostolic Church'.

#### 2.5 and Apostolic

Finally, in relation to the vocation to be Apostolic, we may identify two aspects in which fidelity to that vocation may be understood; a) fidelity to the apostolic teaching, and; b) fidelity to the apostolic mission.

In relation to fidelity to the apostolic teaching, this aspect is rooted in the Pentecost experience of the Church which receives the apostolic teaching, (Acts 2: 42) and is founded upon that teaching, (Ephesians 2: 20; Revelation 21: 14) and which is in turn entrusted to guard the deposit of faith. (2 Timothy 1: 12-14) This deposit of faith ultimately finds its source in the Lord Jesus Christ, and the apostolic transmission of this deposit to, and the reception by, the body of Christ (1 Corinthians 11: 23-26; 1 Corinthians 15: 3-5) establishes one sense in which we say of the Church that it stands in succession to the Apostles and is thereby Apostolic in its nature.

In relation to fidelity to the apostolic mission, this aspect is rooted in the calling of the Apostles to join the community of the Lord Jesus and then in the sending out of the Apostles by the same Lord Jesus. (Mark 3: 13-19; John 13: 20, 17: 18, 20: 21) Equally, and once more, it is rooted in the Pentecost experience of the Church, empowered by the Holy Spirit to bear witness 'to the ends of the earth'. (Luke 24: 45-49; Acts 1: 8) Further, this apostolic mission ultimately finds its source in the commission of the Lord Jesus Christ 'to make disciples of all nations', once more, in the name of the Father, the Son, and the Holy Spirit. Thus, the apostolic mission is rooted in the mission of the Triune

<sup>72</sup> Panel on Worship, *Book of Common Order of the Church of Scotland*, 134.

God. (Matthew 28: 18-20) This establishes a further sense in which we say of the Church that it stands in succession to the Apostles and is thereby Apostolic in its nature.

Thus, the vocation to be Apostolic is rooted in our fidelity to their teaching, and in our discernment of the mission of the Triune God within the life of the One Holy Catholic and Apostolic Church.

## 2.6 Church

The reality understood to be 'One Holy Catholic and Apostolic' is the Church into which we are baptised in name of the Father, the Son, and the Holy Spirit. Thus:

By water and the Holy Spirit,  
God claims us as his own,  
washes us from sin,  
and sets us free from the power of death.  
Here we know that we are made one with Christ  
crucified and risen  
members of his body,  
called to share in his ministry in the world.<sup>73</sup>

As those baptised into the 'One Holy Catholic and Apostolic Church', we pray the prayer of Invocation:

Send down your Holy Spirit to bless us and these your  
gifts of bread and wine,  
that the bread which we break may be for us the  
communion of the body of Christ,  
and the cup of blessing which we bless the communion  
of the blood of Christ.<sup>74</sup>

Thus, it is within the reality of the Church that we participate in the Body of Christ and within that same reality that we celebrate the presence of Christ. It is through the invocation of the Spirit and the realisation of communion that we manifest what it is to be 'one in Christ Jesus'. (1 Corinthians 10: 16-17; 11: 23-26; 12: 12-13; Galatians 3: 27-28)

<sup>73</sup> Panel on Worship, *Book of Common Order of the Church of Scotland*, 86.

<sup>74</sup> Panel on Worship, *Book of Common Order of the Church of Scotland*, 133-134.

The Church, and the vocation which is given to it, may be understood as the creation of the Word of God:

The Church of Jesus Christ is ordered from beyond its empirical being and existence by the power of the Word of God. By that word it is called and formed to be the community in the midst of the world which is given to share already in the new creation and its new order through the Communion of the Spirit.<sup>75</sup>

The Church thus created has its origin in the divine economy and initiative, and its vocation is one in which it is called to exercise a ministry of reconciliation. (2 Corinthians 5: 17-21) This ministry of reconciliation is given to the Church, 'but because the life of the Church has to be carried out within the conditions of our erring and sinful world it cannot but partake of sin and error, it also has a variable element liable to error. Therefore it must ever be renewed and reformed by reference back to the creative Word of God'.<sup>76</sup> That is, within the 'One Holy Catholic and Apostolic', the Church of Scotland is to be understood as an *ecclesia reformata, semper reformanda* ("a reformed Church is always requiring to be reformed").<sup>77</sup>

## 2.7 *Ecclesia reformata, semper reformanda*

In affirming that the Church of Scotland is an *ecclesia reformata, semper reformanda*, we affirm that the self-understanding of the Church of Scotland as a Reformed church denotes that it is rooted in a particular history; that of the Scottish Reformation, with the Church that evolved up to, and beyond, 1560 being understood as an *ecclesia reformata*. Article I of the *Articles Declaratory* articulates the nature of that *ecclesia reformata*:

The Church of Scotland is part of the Holy Catholic or Universal Church... [and]... adheres to the Scottish

<sup>75</sup> Wotherspoon, H.J. & Kirkpatrick, R.S. (ed's), *A Manual of Church Doctrine according to the Church of Scotland*, 103.

<sup>76</sup> Wotherspoon, H.J. & Kirkpatrick, R.S. (ed's), *A Manual of Church Doctrine according to the Church of Scotland*, 104.

<sup>77</sup> Weatherhead, James L., *The Constitution and Laws of the Church of Scotland*, 19.

Reformation; receives the Word of God which is contained in the Scriptures of the Old and New Testaments as its supreme rule of faith and life; and avows the fundamental doctrines of the Catholic faith founded thereupon.

Further, the self-understanding of the Church of Scotland as an *ecclesia reformata, semper reformanda* denotes that it is rooted in a particular theological identity expressed in the *Scots Confession* (1560),<sup>78</sup> and in the *Westminster Confession of Faith* (1647),<sup>79</sup> which we may characterise as 'Reformed' in terms of its particular theological distinctive,<sup>80</sup> and Presbyterian in terms of its government.<sup>81</sup>

<sup>78</sup> <http://www.rps.ac.uk/trans/A1560/8/3>; Hazlett, W. Ian P., "The Scots Confession 1560: Context Complexion and Critique", *Archiv für Reformationsgeschichte* 78 (1987), 294. See also: *Confession of Faith Ratification Act 1560 (c.1)* (*Scots Confession*) <http://www.legislation.gov.uk/aosp/1560/1>; Henderson, G.D. (ed.), *Scots Confession* (Edinburgh: Church of Scotland, 1937); Bulloch, James, *Scots Confession* (Edinburgh: Church of Scotland, 1984); Hazlett, Ian, "Confession Scotica, 1560", in; Mühlhling, Andreas & Opitz, Peter (ed's) *Reformierte Bekenntnisschriften 1559-1563 (2/1)* (Neukirchen-Vluyn: Neukirchener Verlagsgesellschaft, 2008), 209-300; Hazlett, Ian, "A New Version of the Scots Confession, 1560", *Theology in Scotland* 17/2 (2010), 33-66.

<sup>79</sup> [http://www.churchofscotland.org.uk/about\\_us/our\\_faith/westminster\\_confession\\_of\\_faith](http://www.churchofscotland.org.uk/about_us/our_faith/westminster_confession_of_faith); Act anent the Approbation of the Confession of Faith (27th August 1647, s.23); *Catechisms and Confession of Faith Ratification Act 1649 (c.16)*; *Confession of Faith Ratification Act 1690 (c.7)*: <http://www.legislation.gov.uk/aosp/1690/7>; *Protestant Religion and Presbyterian Church Act 1707 (c.6)*; <http://www.legislation.gov.uk/aosp/1707/6>; Heron, Alasdair, I.C. (ed.) *The Westminster Confession in the Church Today* (Edinburgh: Saint Andrew Press, 1982).

<sup>80</sup> Hazlett, W. Ian P., "The Scots Confession 1560: Context Complexion and Critique", 301, states that, with respect to the *Scots Confession*: 'The basic theology of the Confession is anchored implicitly and sometimes explicitly in the constitutive Reformation doctrines of Scripture alone, faith alone, grace alone, and Christ alone. Everything else, positive and negative, follows from that.' See; Hazlett, W. Ian P., "The Scots Confession 1560: Context Complexion and Critique", 301. With reference to 'Scripture alone', the *Scots Confession* may be said to reflect 'constitutive Reformation' distinctives in the Preface and Chapters XVIII and XIX; with reference to 'faith alone' in Chapters III, XIII and XXV; with reference to 'grace alone' in Chapters VIII and XII, and; with reference to 'faith alone' in Chapters VI-XI inclusive.

<sup>81</sup> Free Church of Scotland, *Confession of Faith and Subordinate Standards (The Form of Presbyterian Church-Government and of*

To affirm the theological identity of that *ecclesia reformata* is not, of course, to exhaust the theological identity of an *ecclesia reformata, semper reformanda*. Rather, it is to state that the core of the theological identity of this particular *ecclesia reformata* is rooted in its communion within the 'One Holy Catholic and Apostolic Church', and that this *ecclesia reformata* understands itself to be an *ecclesia... semper reformanda*. The task of reforming within a Church reformed is, at once a recollection of an historical Reformed identity, and an imperative to reform that which has been reformed.

Therefore, the vocation of the Church of Scotland to be 'One Holy Catholic and Apostolic' is rooted in the reality of the Church as an *ecclesia reformata, semper reformanda*. This Church is the creation of the Word of God and the life of the Church of Scotland, and its life renewed, is rooted in the life of the Triune God.

### 3. The ministry of Word and Sacrament and the ministry of the Diaconate within the Church of Scotland, understood as expressions of ministry within the 'One Holy Catholic and Apostolic Church'

#### 3.1 The Act of Ordination

The Church of Scotland affirms, in the "Preamble" to the service of Ordination that:

In this act of ordination the Church of Scotland, as part of the Holy Catholic or Universal Church worshipping One God, Father, Son, and Holy Spirit, affirms anew its belief in the Gospel of the sovereign grace and love of God.<sup>82</sup>

That is, the Church of Scotland intends that the ministry of Word and Sacrament and the ministry of the Diaconate are to be understood as ministries within the context of the 'One Holy Catholic and Apostolic Church'. The expression

*Ordination of Ministers* (Edinburgh: Free Church of Scotland, 1973), 169-187; Weatherhead, James L., *The Constitution and Laws of the Church of Scotland*, 157.

<sup>82</sup> Weatherhead, James L., *The Constitution and Laws of the Church of Scotland*, 163.



of those ministries within the Church of Scotland reflects the historical particularity, and the Reformed dimension of the theological identity, of the Church.

Insofar as the ministry of Word and Sacrament and the ministry of the Diaconate are understood as ministries within the context of the 'One Holy Catholic and Apostolic Church', the act of Ordination signifies the intention of the Church to incorporate within the continuity of its life those persons who are authorised to proclaim the Word and to live out the ministry of *διακονία* ("diakonia"/"service") in response to the Word.<sup>83</sup>

### 3.2 The ministry of Word and Sacrament

The first recorded Act of the General Assembly of the Church of Scotland (20th December 1560) records consideration being given to establishing those 'maist qualified for the ministring of the word of God and sacraments, and reiding of the commoun prayers publicklye in all kirks and congregations', and may be said to ground the ministry of Word and Sacrament in the historical particularity of the Reformed Church in Scotland.<sup>84</sup>

### 3.3 *The First Book of Discipline* (1560)

This historical particularity, in its Reformed identity, is given expression in *The First Book of Discipline* (1560), where it is affirmed with respect to 'Lawfull Election' that:

In a Church reformed, or tending to reformation, none ought to presume either to preach, either yet to minister the sacraments till that orderly they be called to the same. Ordinarie Vocation consisteth in Election, Examination and Admission.<sup>85</sup>

<sup>83</sup> World Council of Churches, *Baptism, Eucharist & Ministry* (Faith & Order Paper No. 111) (Geneva: WCC, 1982), 30, states: 'The Church ordains certain of its members for the ministry in the name of Christ by the invocation of the Spirit and the laying on of hands (I Tim. 4: 14; II Tim. 1: 6); in so doing it seeks to continue the mission of the apostles and to remain faithful to their teaching.' ("Ministry" (s.39))

<sup>84</sup> *The Booke of the Universal Kirk: Acts and Proceedings of the General Assembly of the Kirk of Scotland from the Year MDLX (1560-1618)* (ed. A. Peterkin) (Edinburgh: Maitland Club, 1839): <http://www.british-history.ac.uk/report.aspx?compid=58922>

<sup>85</sup> Cameron, James K. (ed.), *The First Book of Discipline* (Edinburgh: Saint Andrew Press, 1972), 96.

Further, *The First Book of Discipline* states that: 'It appertaineth to the people and to every severall Congregation to elect their Minister', with the minister to 'be examined as well in life and manners, as in doctrine and knowledge.'<sup>86</sup> In the course of which the minister 'must give declaration of their giftes, utterance and knowledge by interpreting some place of Scripture to be appointed', and provide an appropriate confession of their faith.<sup>87</sup> In turning to the "Admission of Ministers", the *Book* affirms again that this 'must consist in consent of the people, and Church whereto they shall be appointed, and approbation of the learned Ministers appointed for their examination'<sup>88</sup>

### 3.4 *The Second Book of Discipline* (1581)

In turning to *The Second Book of Discipline* (1581), we see that it maintains the emphasis from *The First Book of Discipline* on 'Lawfull Election' when it states that the first element of the 'ordinarie and outward calling' to any office of the Kirk is 'electioun'. Thereafter, it complements 'electioun' with an equivalent emphasis on 'ordinatioun'.<sup>89</sup> Thus, *The Second Book of Discipline* may be said to have established the basis of the subsequent development of the doctrine and practice of Ordination within the Church of Scotland.

What then is intended by 'Ordinatioun' within *The Second Book of Discipline*? J. Kirk suggests that:

In defining procedures for admitting candidates to ecclesiastical office, the third chapter of the book strongly emphasized the concept of vocation or divine calling, an idea deeply rooted in renaissance and reformation thought and not confined to a calling to the ministry. Each individual as a member of society had a variety of functions to perform to which he had been called by God and through which he could serve both his creator and his community.<sup>90</sup>

<sup>86</sup> Cameron, James K. (ed.), *The First Book of Discipline*, 96.

<sup>87</sup> Cameron, James K. (ed.), *The First Book of Discipline*, 97-98.

<sup>88</sup> Cameron, James K. (ed.), *The First Book of Discipline*, 101.

<sup>89</sup> Kirk, James (ed.), *The Second Book of Discipline* (Edinburgh: Saint Andrew Press, 1980), 179.

<sup>90</sup> Kirk, James (ed.), *The Second Book of Discipline*, 65.

Thus, the use of 'Ordinatioun' within *The Second Book of Discipline* is to be understood in the context in which every person is seen as called to fulfil a vocation within an ordered society, and this is specifically so with reference to those who are called to hold an office within the Church. That is: 'Vocatioun or calling is commoun to all that sould bear office within the kirk'.<sup>91</sup> With respect to the nature of that calling within the Church, the *Book* distinguishes between two callings. Initially, there is the extraordinary calling such as came to prophets and apostles, which 'in kirkis establishid and weill reformit hes na place'. Thereafter:

The uther calling is ordinar quhill, besyd the calling of God and inward testimony of guid conscience, hes the lauchfull approbatioun and outward jugement of men according to Goddis word and ordour establischid in his kirk.<sup>92</sup>

Both of these callings, though distinct, are outward callings, but as noted there is also 'the inward testimony of guid conscience', and the *Book* affirms that:

Nane aucht to presume to entir in ony office ecclesiasticall without he have this good testimony of conscience befor God wha onlie knawis the hartis of men.<sup>93</sup>

The distinction between the outward calling and 'the inward testimony' follows Calvin's when he writes:

I am speaking of the outward and solemn call which has to do with the public order of the church. I pass over that secret call, of which each minister is conscious before God, and which does not have the church as witness. But there is the good witness of our heart that we receive the proffered office not with ambition or avarice, not with any other selfish desire, but with a sincere fear of God and a desire

to build up the Church. That is indeed necessary for each one of us (as I have said) if we would have our ministry approved by God.<sup>94</sup>

Thus, *The Second Book of Discipline* states that:

Ordinatioun is the separatioun and sanctifeing of the persone appointit of God and his kirk eftir he be weill tryit and fund qualifeit... The ceremonyis of ordinatioun ar fasting and earnest prayer, and the imposition of hands of the elderschippe.<sup>95</sup>

With respect to 'the imposition of hands' by the 'elderschippe', James Kirk suggests that: 'By "eldership" is understood the assembly of ministers, doctors and elders from several contiguous congregations',<sup>96</sup> with this reflecting *The Second Book of Discipline's* affirmation that the power to elect a minister lies with 'this kind of assemblee' as constituted by its pastors and elders.<sup>97</sup>

How then are we to understand the core of the doctrine of Ordination within *The Second Book of Discipline*? James Kirk suggests that we should interpret 'the imposition of hands not as an act but as a sign of ordination'. That is, the 'imposition' is integral to the 'act', with the 'act' itself referring to the whole action whereby a calling is brought to completion, with this 'act' being complemented by the process of 'Election'.<sup>98</sup> Therefore, in the act of Ordination the Church bears witness to the grace of God; in which the 'sign' complements the process of 'election' and, taken together, constitute the 'act'.

### 3.5 The Form of Presbyterian Church-Government (1645)

*The Form of Presbyterian Church-Government* states the doctrine of Ordination as understood by the Westminster Assembly, with it defined as 'the solemn setting apart of a person to some publick church office' subsequent to a 'lawful calling'. It states:

<sup>94</sup> Calvin, John, *Institutes of the Christian Religion*, 4.3.11.

<sup>95</sup> Kirk, James (ed.), *The Second Book of Discipline*, 180.

<sup>96</sup> Kirk, James (ed.), *The Second Book of Discipline*, 66.

<sup>97</sup> Kirk, James (ed.), *The Second Book of Discipline*, 201.

<sup>98</sup> Kirk, James (ed.), *The Second Book of Discipline*, 72.

<sup>91</sup> Kirk, James (ed.), *The Second Book of Discipline*, 178.

<sup>92</sup> Kirk, James (ed.), *The Second Book of Discipline*, 178.

<sup>93</sup> Kirk, James (ed.), *The Second Book of Discipline*, 178.

Every minister of the word is to be ordained by imposition of hands, and prayer, with fasting, by those preaching presbyters to whom it doth belong.<sup>99</sup>

Thus, we see that *The Form of Presbyterial Church-Government* essentially reproduces the doctrine of Ordination as developed in *The First Book of Discipline* and expressed in *The Second Book of Discipline*. Further, it affirms that: 'Ordination is the act of a presbytery,' such that: 'The power of ordering the whole work of ordination is in the whole presbytery,' and no single congregation can 'assume to itself... sole power in ordination'.<sup>100</sup>

### 3.6 The Ministry of the Diaconate

The contemporary form of the ministry of the Diaconate within the Church of Scotland is rooted in the proposal by Professor A.H. Charteris in 1887 to establish 'the scriptural office of the diaconate for women', with the first deaconess being appointed in 1888, and the ministry of the Diaconate being opened to men in 1988.<sup>101</sup> Thereafter, the Panel on Doctrine Report of 2001:

[A]rgued for an understanding of ministry grounded in the dynamic unity of witness and service, in the speaking which is also a listening for the Word, and in the serving which is also a receiving of Christ's service. The church's speaking, its proclamation of the gospel in preaching and in the sacraments, always exists in relationship with its serving, its obedient response of faith. The distinction between them is always relative, never a separation, since the church's proclamation is also part of its response of faith; and its service is also a form of witness... The Panel sees in this distinction a very strong grounding

for the ministry of deacons. There is an underlying unity between kerygmatic and diaconal forms of ministry, yet each has its own particular focus, the former in witness, the latter in service... This is not something exclusive to deacons, but belongs to the whole church. The office of Deacon is grounded here, though, in leading and guiding the church's character as *diakonos* or servant. The office of Deacon is therefore quite distinct from the ministry of Word and sacrament – a point we cannot stress too strongly. Equally it is complementary to the ministry of Word and sacrament, and always related to it – this also we cannot stress too strongly.<sup>102</sup>

Thereafter, in the light of this, the Panel argued that it would be 'appropriate for the church to have an office of full-time diaconal service, and that this should be an ordained office,<sup>103</sup> sharing in the oversight of the church's service', and reflecting 'the distinctive character of their office'. The General Assembly accepted this proposal and in 2002 passed an Act permitting the Ordination of Deacons.<sup>104</sup>

The 'Office of Deacon' is presently defined in the following terms:

A Deacon is a man or woman who, under a Call from God, has pledged himself or herself to the service of Jesus Christ and His Church and has been selected, trained and ordained to exercise ministry... according to the doctrine and discipline of the Church of Scotland. The Office of Deacon is recognised by the Church to be a distinctive, lifelong status within the ministry of the Church and to be agreeable to the Word of God.<sup>105</sup>

<sup>99</sup> Free Church of Scotland, *Confession of Faith and Subordinate Standards (The Form of Presbyterial Church-Government and of Ordination of Ministers)*, 180.

<sup>100</sup> Free Church of Scotland, *Confession of Faith and Subordinate Standards (The Form of Presbyterial Church-Government and of Ordination of Ministers)*, 180-181.

<sup>101</sup> Levison, Mary I., et al., "Diaconate, Deacons, Deaconesses", in; Cameron, Nigel M. de S., et al., (ed.s), *Dictionary of Scottish Church History and Theology* (Edinburgh: 1993), 240-242.

<sup>102</sup> *Reports to the General Assembly of the Church of Scotland 2001*, (Panel on Doctrine), 13/18-13/19.

<sup>103</sup> *Reports to the General Assembly of the Church of Scotland 2001*, (Panel on Doctrine) 13/19, 13/19 n.37.

<sup>104</sup> Act VII (2002) Act anent Ordination of Deacons.

<sup>105</sup> Act VIII (2010) Consolidating and Amending Act anent Deacons, s.1.

With respect to the ‘procedure leading to act of ordination’ to the Diaconate, this is understood to be ‘the same as’ for a minister of Word and Sacrament, *mutatis mutandis* (“with things changed that need to be changed”), albeit that provision is made for the Ordination of a deacon to be led by a Deacon.<sup>106</sup> The extent to which this offers a sufficient statement of the nature of the act of Ordination with respect to ‘the distinctive character’ of the ministry of the Deacon may be open to question.<sup>107</sup> Nevertheless, the ministry of the Deacon is to be understood, in its ‘distinctive character’, as complementing, and being complemented by, the ministry of Word and Sacrament, within the context of the ‘One Holy Catholic and Apostolic Church’.

### 3.7 A Contemporary Expression of the Doctrine of Ordination

Therefore, the doctrine of Ordination to the ministry of Word and Sacrament and to the ministry of the Diaconate within the Church of Scotland is, as stated, to be understood within the context of the ‘One Holy Catholic and Apostolic

Church’, and as an expression of the historical particularity and the Reformed identity of the Church, and the developing understanding of the ministry of the Diaconate. That historical particularity and Reformed identity are expressed, as we have seen, in: *The First Book of Discipline*; *The Second Book of Discipline*, and; *The Form of Presbyterian Church-Government*, and in contemporary developments with respect to the ministry of the Diaconate.

With respect to the understanding of the doctrine of Ordination itself, the principal development that ought to be noted is the decision of the General Assembly in 2004 to depart from holding that the sign of Ordination ought to be imposed by ministers of Word and Sacrament only (‘by those preaching presbyters to whom it doth belong’). Rather, the Church holds that all ordained members of Presbytery may now participate in the laying-on of hands.<sup>108</sup> In so doing it might reasonably be argued that the Church has recovered an element integral to the Scottish Reformed tradition.<sup>109</sup>

The outworking of the doctrine of Ordination has been a feature of a number of Reports to the General Assembly, with the most recent being those received in 2000 and 2001.<sup>110</sup> In the 2000 Report, the Panel on Doctrine set out a series of four criteria through which the Church might discern the nature and identity of ordained ministries. In so doing, it sought to identify those ministries which sustain the very integrity of the Church as the ‘One Holy Catholic and Apostolic Church’, and to continue a distinctive emphasis in its thinking on this matter with reference to the nature of the ministry of the Church, when it noted:

This ministry or service which we have spoken of is given not to a few within the Church, but to the

<sup>106</sup> Act VIII (2010) Consolidating and Amending Act anent Deacons, s.8 (b) states: ‘The procedure leading to the act of ordination shall be the same as the procedure described in section 29 of Act VIII 2003 for ministers of Word and Sacrament, *mutatis mutandis*.’ Act III (2004) Act Anent Ordinations by Presbyteries, s.2 states: ‘The ordination of a deacon shall be led by a minister or deacon who shall, if the Moderator of the Presbytery be an elder, be appointed by the Presbytery from among its ministerial or diaconal members.’

<sup>107</sup> *Reports to the General Assembly of the Church of Scotland 2000*, (Panel on Doctrine) 13/1-13/27; *Reports to the General Assembly of the Church of Scotland 2001*, (Panel on Doctrine) 13/1-13/24, along with the Report; ‘Deacons of the Gospel’ (*Reports to the General Assembly of the Church of Scotland 2001*, (Ministry) 17/3-17/8) may be said to offer one point of departure for an exploration of ‘the distinctive character’ of the ministry of the Deacon within the Church of Scotland. Equally, a theology of the ministry of the Diaconate (and the other ministries of the Church), in the context of the mission of the whole people of God and of the mission of the Triune God, is set out in a series of Reports which may be helpfully revisited in this regard: *Reports to the General Assembly of the Church of Scotland 1985*, (Panel on Doctrine) 143-161; *Reports to the General Assembly of the Church of Scotland 1988*, (Panel on Doctrine) 125-136; *Reports to the General Assembly of the Church of Scotland 1989*, (Panel on Doctrine) 191-204, and; *Reports to the General Assembly of the Church of Scotland 1990*, (Panel on Doctrine) 194-196.

<sup>108</sup> Act III (2004) Act anent Ordinations by Presbyteries.

<sup>109</sup> Ainslie, J.L., *The Doctrine of Ministerial Order in the Reformed Churches of the Sixteenth and Seventeenth Centuries* (Edinburgh: T.&T. Clark, 1940), 189.

<sup>110</sup> *Reports to the General Assembly of the Church of Scotland 2000*, (Panel on Doctrine) 13/1-13/27; *Reports to the General Assembly of the Church of Scotland 2001*, (Panel on Doctrine) 13/1-13/24.

Church itself, the body of Christ. This is an insight that the Church has regained in the modern age, and throughout its relatively short life the Panel on Doctrine has been consistent in giving it voice. In 1965 it wrote:

To the Church, as the Servant People of God, there is committed a mission and ministry to the whole world, exercised through the witness, work and intercession of its members in accordance with the manifold gifts which the Holy Spirit bestows. This general ministry belongs to the whole fellowship of the Church as the body of Christ.<sup>111</sup>

Thus, with reference to the criteria through which the Church might discern the ordained ministries, it initially contended that:

Ordained ministries should be those which are concerned not just for one part of the Church's life and activity, but for the Church as such, for its character as the Church. They are ministries whose concern is to keep the Church faithful to its nature and calling.<sup>112</sup>

That is, the Panel on Doctrine sought to place the 'ordained ministries' within the context of the Church, and to understand those 'ministries' within that context with reference to the character, nature and vocation of the Church. Thereafter, it developed this approach in contending that:

The fact that such ministries are concerned with the Church's fidelity to its nature and calling means that they are answerable to the Church – the whole Church. They are therefore understood to be

ministries of Christ's Church, the Church Catholic, not simply the local Church... [T]his does not mean that when the Church of Scotland ordains it presumes that the ordained person is authorised to conduct his/her ministry outside its discipline; nor does it imply unlimited authorisation to exercise a ministry within the Church of Scotland. It is still for the Church to determine the sphere in which the ministry operates, with a concern for order.<sup>113</sup>

That is, the Panel on Doctrine sought to locate 'the local Church' within the context of 'the Church Catholic', with those two perspectives on the nature and identity of the Church mutually informing one another. Thus, in principle, the ministry of 'the local Church' is the ministry of 'the Church Catholic', and the ministry of 'the Church Catholic' is the ministry of 'the local Church'. Further, the Panel contended that:

Such ministries, being answerable to the wider Church, are recognised and authorised by the wider Church. Ordination is therefore consequent upon the testing of vocation by the wider Church.<sup>114</sup>

Finally, the Panel contended that the 'ordained ministries' are particularly 'concerned with the Church's fidelity to its nature and calling', with that 'nature and calling' having an enduring character. Thus:

Since the Church is one throughout history, and not simply throughout the world, this also implies that ordained ministries are enduring, and not temporary expedients. This does not mean that a particular ministry must be exercised in exactly the same manner eternally, nor that ordained ministries do not adapt to changing circumstances. They can and must be flexible in their methods and forms, since the Church lives in history. But an ordained ministry

<sup>111</sup> *Reports to the General Assembly of the Church of Scotland 1965*, (Panel on Doctrine) 703; *Reports to the General Assembly of the Church of Scotland 2000*, (Panel on Doctrine) 13/8-13/9.

<sup>112</sup> *Reports to the General Assembly of the Church of Scotland 2000*, (Panel on Doctrine) 13/3.

<sup>113</sup> *Reports to the General Assembly of the Church of Scotland 2000*, (Panel on Doctrine) 13/3.

<sup>114</sup> *Reports to the General Assembly of the Church of Scotland 2000*, (Panel on Doctrine) 13/3.

will be concerned with the Church's fidelity to its nature and calling, and these do not change. Equally it recognises that persons are called to ministry, and a person's character and personal integrity are presumed to endure through time.<sup>115</sup>

Therefore, the Church of Scotland intends that the 'ordained ministries'; and within this; the ministry of Word and Sacrament and the ministry of the Diaconate, be shaped by a concern for the 'the Church's fidelity to its nature and calling'; with that 'nature and calling' understood within the context of the 'One Holy Catholic and Apostolic Church'. Equally, our understanding of the nature of the ministry of Word and Sacrament and the nature of the ministry of the Diaconate, and of Ordination to the ministry of Word and Sacrament and to the ministry of the Diaconate, must be shaped within the context of the 'One Holy Catholic and Apostolic Church'.

#### **4. The authority of the Scriptures of the Old and New Testaments within the Church of Scotland, interpreted within the context of the 'One Holy Catholic and Apostolic Church'**

##### **4.1 The Authority of the Scriptures of the Old and New Testaments**

In seeking to comprehend the nature of the authority of the Scriptures of the Old and New Testaments within the Church of Scotland, a principal point of reference is, once more, to be found in the *Articles Declaratory*,<sup>116</sup> where it affirms in *Article I* that:

The Church of Scotland adheres to the Scottish Reformation; receives the Word of God which is contained in the Scriptures of the Old and New Testaments as its supreme rule of faith and life; and avows the fundamental doctrines of the Catholic faith founded thereupon.

<sup>115</sup> *Reports to the General Assembly of the Church of Scotland 2000*, (Panel on Doctrine) 13/3.

<sup>116</sup> [http://www.churchofscotland.org.uk/about\\_us/church\\_law/church\\_constitution](http://www.churchofscotland.org.uk/about_us/church_law/church_constitution); Weatherhead, James L., *The Constitution and Laws of the Church of Scotland*, 159-161.

Further, we note that *Article II* states:

The principal subordinate standard of the Church of Scotland is the Westminster Confession of Faith approved by the General Assembly of 1647, containing the sum and substance of the Faith of the Reformed Church.

Thus, the Church of Scotland is to be understood as a Church which 'receives the Word of God which is contained in the Scriptures of the Old and New Testaments as its supreme rule of faith and life', and that 'the sum and substance of the Faith of the Reformed Church' is stated in the *Westminster Confession of Faith*. That is; the Scriptures are to be understood as authoritative with respect to 'faith and life'.

##### **4.2 Scripture and Confession**

At this point, let us ask: What is the relationship of the Church of Scotland to the *Westminster Confession of Faith*? The Ecumenical Relations Report on the "Church of Scotland-Free Church of Scotland Dialogue" received by the General Assembly in 2009 explores this issue, and we shall frame our discussion within its context.<sup>117</sup> The context of the Dialogue was shaped, in part, by the common 'subordinate standard'; the *Westminster Confession of Faith*, albeit that the Church of Scotland and the Free Church of Scotland understand their relationship to the *Westminster Confession of Faith* in different terms.

Thus, the Report makes reference to the "Preamble" to the service of Ordination to the ministry of Word and Sacrament, where it states:

The Church of Scotland holds as its subordinate standard the Westminster Confession of Faith, recognising liberty of opinion on such points of doctrine as do not enter into the substance of the Faith, and claiming the right, in dependence on the promised guidance of the Holy Spirit, to

<sup>117</sup> *Reports to the General Assembly of the Church of Scotland 2009*, (Ecumenical Relations) 6.3/13-6.3/21.

formulate, interpret, or modify its subordinate standards; always in agreement with the Word of God and the fundamental doctrines of the Christian faith contained in the said Confession – of which agreement the Church itself shall be sole judge.<sup>118</sup>

Thereafter, it notes that:

The relationship of the Church of Scotland to the *Westminster Confession of Faith* as constituted in 1929, and thereafter, differs from the relationship which existed before 1929. This is exemplified with respect to the *Preamble* cited above, with its reference to “recognising liberty of opinion on such points of doctrine as do not enter into the substance of the Faith”, and the 1929 Formula which is set out in terms consistent with *The Church of Scotland Act on the Formula (1910)*. The latter, as found in the *Basis and Plan of Union (1929)*, follows on from the *Preamble* and affirms, in relation to the *Westminster Confession of Faith*, that:

I believe the fundamental doctrines of the Christian faith contained in the Confession of Faith of this Church.<sup>119</sup>

Thus, the relationship of the Church of Scotland to the *Westminster Confession of Faith* may be said to be conditioned by the recognition of ‘liberty of opinion on such points of doctrine as do not enter into the substance of the Faith’, which, in effect, sums up and expresses the series of Acts embedded in the *Basis of Union (1929)*.<sup>120</sup> In seeking to exemplify the nature of that relationship, the

Report suggests that the terms of the *Formula* in the *Basis of Union* may be contrasted with the terms of the *Formula* which obtained before then:

[E]ssentially that of 1889, as modified in 1901 and 1903, and construed in terms consistent with the *Act for Settling the Quiet and Peace of the Church 1693* (c.38). This affirmed, in relation to the *Westminster Confession of Faith*, that:

I declare the Confession of Faith, approved by former General Assemblies of this Church, and ratified by law in the year 1690, to be the confession of my faith, and I own the doctrine therein contained to be the true doctrine, which I will constantly adhere to.<sup>121</sup>

The Report notes that the 1889 *Formula*; where it declares the *Westminster Confession of Faith* ‘to be the confession of my faith’ is essentially different in character from that found in the *Basis of Union*.<sup>122</sup>

Therefore, our conception of the Church’s relationship to the *Westminster Confession of Faith* is informed by the recognition of ‘liberty of opinion on such points of doctrine as do not enter into the substance of the Faith’. In affirming this, we ought to note that such ‘liberty of opinion’ is not to be understood as an unqualified ‘liberty’, and we recall the Panel on Doctrine’s Report of 1984 at this point. The Report states:

At the General Assembly in 1983, during the report of the Panel on Doctrine, as a result of questions put to the Procurator, it was made plain that neither the Church nor the individual elder, ordinand or minister is at liberty to depart from the First of the Declaratory Articles. In adherence to this Article the Church’s identity is secure... permissible liberty of opinion in

<sup>118</sup> Weatherhead, James L., *The Constitution and Laws of the Church of Scotland*, 163.

<sup>119</sup> *Reports to the General Assembly of the Church of Scotland 2009*, (Ecumenical Relations) 6.3/15; Weatherhead, James L., *The Constitution and Laws of the Church of Scotland*, 165.

<sup>120</sup> Act I (1929): the *United Presbyterian Church Declaratory Act (1879)*; the *Free Church Declaratory Act (1892)*; the *Free Church Declaratory Act (1894)*; the *United Free Church Act anent Spiritual Independence of the Church (1906)*, *The Church of Scotland Act on the Formula (1910)*; as well as the *Articles Declaratory* themselves.

<sup>121</sup> *Reports to the General Assembly of the Church of Scotland 2009*, (Ecumenical Relations) 6.3/15-6.3/16; Mair, William, *Digest of Church Laws* (3rd ed.) (Edinburgh: Wm. Blackwood & Sons, 1904), 530-532.

<sup>122</sup> *Reports to the General Assembly of the Church of Scotland 2009*, (Ecumenical Relations) 6.3/16.

assent to the Confession of Faith of this Church does not apply to the First Article Declaratory.<sup>123</sup>

Thus, the significance of the place of *Article* 1 ought to be reckoned with in our understanding of the nature of our 'liberty of opinion', and this should further inform our conception of the Church of Scotland's relationship to the *Westminster Confession of Faith*.

#### 4.3 'The Word of God which is contained in the Scriptures of the Old and New Testaments'

Thereafter, the Report addresses the relationship of the Word of God to Scripture, and we note that within the context of the Dialogue, this relationship was discussed with reference to the *Westminster Confession of Faith* (I.1):

Therefore it pleased the Lord, at sundry times, and in diverse manners, to reveal Himself, and to declare His will unto the Church; and afterwards, for the better preserving and propagating of the truth... to commit the same wholly unto writing: which maketh the Holy Scripture to be most necessary; those former ways of God's revealing His will unto His people being now ceased.<sup>124</sup>

In seeking to clarify the relationship of the Word of God to Scripture as understood within the Church of Scotland, reference was made to the following exposition:

*The Confession of Faith* here recognises the Holy Scriptures as the written Word of God to men in and through which it is God Himself who speaks in person, but it recognises also that Revelation was precedent to the Scriptural record. Thus in regard to the New Testament the Revelation was mediated and apprehended, the Christian faith existed and was stated and believed and taught, before the various scriptures it contains were in being... The Faith did not make its first appearance in a written but in an

oral form: it existed, was preached, believed, and transmitted for some time before it began to have expression in inspired writings. When these writings appeared, they did not supersede the unwritten Faith which the Apostolic witnesses communicated to the Church, nor did they add to it. They are a photograph of that Faith in the process of transmission, and thus became the standard of reference for verifying the content of the Faith.<sup>125</sup>

That is, the Apostolic faith, founded on the revelation of the God 'who speaks in person' in the Word of God, was first received by its hearers 'in an oral form' (that is; in the Apostolic preaching), prior to it being set forth in the Scriptures of the New Testament. Thereafter, the Scriptures serve to 'describe the normative content of the Christian faith' within the context of the Church.

In addressing the relationship of the Word of God to Scripture, particular attention was paid to the meaning of 'contained', with reference to; 'the Word of God which is contained in the Scriptures of the Old and New Testaments', with this form of words being as found in the *Shorter Catechism* (1648).<sup>126</sup> For some within the Church of Scotland, this form of words is to be equated in meaning with that found in the *Larger Catechism* (1648),<sup>127</sup> where the *Catechism* affirms that: 'The holy scriptures of the Old and New Testament are the word of God'.<sup>128</sup>

<sup>125</sup> Wotherspoon, H.J. & Kirkpatrick, R.S. (ed's), *A Manual of Church Doctrine according to the Church of Scotland*, 56-57; *Reports to the General Assembly of the Church of Scotland 2009*, (Ecumenical Relations) 6.3/16.

<sup>126</sup> Free Church of Scotland, *Confession of Faith and Subordinate Standards (Shorter Catechism)*, Answer 2, 115. We note an early form of the 'contained in' formula as evidenced in the *Coronation Oath Act 1567 (c.8)* which refers to 'his most holy word revealed and contained in the New and Old Testaments'. See: <http://www.rps.ac.uk/trans/A1567/12/7>

<sup>127</sup> *Reports to the General Assembly of the Church of Scotland 2009*, (Ecumenical Relations) 6.3/17-13/18.

<sup>128</sup> Free Church of Scotland, *Confession of Faith and Subordinate Standards (Larger Catechism)*, Answer 3, 51. See also: *Westminster Confession of Faith* I.1.

<sup>123</sup> *Reports to the General Assembly of the Church of Scotland 1984*, (Panel on Doctrine) 183.

<sup>124</sup> *Reports to the General Assembly of the Church of Scotland 2009*, (Ecumenical Relations) 6.3/14.



Equally, others within the Church of Scotland contend that the framers of Article I intended to avoid this equation of meaning,<sup>129</sup> and that, in expressing an understanding of the relationship between the Word of God and Scripture:

This *Article* does not make a verbal identification of the words of Scripture with the Word of God, but states that the Word of God is “contained in” the Bible, thus leaving scope for the application of the phrase “as interpreted by the Church” [*Article VIII*], and also for liberty of opinion.<sup>130</sup>

In recognition of the fact that the above statement may be understood as leaving the relationship of the Word of God to Scripture defined by negation, the Report affirms that:

The Word of God and Scripture relate to one another in a constant and unbroken relationship in which they mutually inform one another.<sup>131</sup>

In seeking to understand how we might express this affirmation more fully, we may refer to the concept of the three-fold form of the Word of God: 1) The Word of God as revealed in Jesus the Christ; 2) The Word of God as written in the Scriptures of the Old and New Testaments, and; 3) The Word of God as proclaimed in the Church.<sup>132</sup> This

conception of the nature and manifestation of the Word of God is inherently complementary in character, and seeks to express the coherence of the Word of God in the integrity of the inter-relationship between the revelation; the written expression, and; the proclamation of the Word. This understanding of the three-fold form of the Word of God is given expression in the Panel on Doctrine’s 1973 Report:

The Word of God is always one and the same. But it has different forms. It is God’s Revelation in Christ, it is Christ. The Word is communicated to men in and through the witness of the prophets and of the apostles. The witness of the prophets and of the apostles are the holy Scriptures usually referred to as the written Word of God. The Word of God, however, comes to men also viva voce. It comes to men in and through the Church’s proclamation... The Word of God, then, has three forms: the Word made flesh, the written Word, and the proclaimed Word.<sup>133</sup>

Any formula expressing the nature of our understanding of the Word of God may properly be said to be provisional in nature, and thus open to reform. In the light of this, it may be said that the conception of the three-fold form of the Word of God gives expression to an understanding which is inherently open to such reform, with the complementary forms of the Word of God necessarily referring back to the Word of God as revealed in Jesus the Christ, with Scripture and Proclamation bearing witness to the particular form of the Word who is the Christ.

or the proclamation of the Church based on Scripture. The written Word of God we know only through the revelation which fulfils proclamation or through the proclamation fulfilled by revelation. The preached Word of God we know only through the revelation attested in Scripture or the Scripture which attests revelation.’ Equally, he affirms that it is the Word of God revealed in Jesus the Christ which ‘underlies the other two’. *Church Dogmatics* I/1, 121. See also; Barth, Karl, *Church Dogmatics* I/2 (Edinburgh: T.&T. Clark, 1956), 457-740, in relation to the nature of Scripture.

<sup>133</sup> *Reports to the General Assembly of the Church of Scotland 1973*, (Panel on Doctrine) 221.

<sup>129</sup> Sjölander, Rolf, *Presbyterian Reunion in Scotland 1907-1921* (Edinburgh: T.&T. Clark, 1962), 167-182; Murray, Douglas M., *Freedom to Reform* (Edinburgh: T.&T. Clark, 1993), 43-91; Murray, Douglas M., *Rebuilding the Kirk: Presbyterian Reunion in Scotland 1909-1929* (Edinburgh: Scottish Academic Press, 2000), 63-114; *Reports to the General Assembly of the Church of Scotland 2009*, (Ecumenical Relations) 6.3/17, and; Riddell, J.G., *What We Believe* (Edinburgh: Church of Scotland, 1937), 170-190.

<sup>130</sup> Weatherhead, James L., *The Constitution and Laws of the Church of Scotland*, 19; *Reports to the General Assembly of the Church of Scotland 2009*, (Ecumenical Relations) 6.3/17.

<sup>131</sup> *Reports to the General Assembly of the Church of Scotland 2009*, (Ecumenical Relations) 6.3/17.

<sup>132</sup> Barth, Karl, *Church Dogmatics* I/1 (Edinburgh: T&T Clark, 1975), 88-124. We note that in Barth’s exposition of the three-fold form of the Word of God, he reverses the order and begins with the proclamation of the Word by the Church: ‘The revealed Word of God we know only from the Scripture adopted by Church proclamation

#### 4.4 The Authority of the Scriptures of the Old and New Testaments: Summary

What then, specifically, of the *authority* of the Scriptures of the Old and New Testaments within the Church of Scotland? The exposition of the relationship of the Church of Scotland to the *Westminster Confession of Faith* has been founded on an understanding of the inherent authority of the Scriptures of the Old and New Testaments within the Church. Thereafter, in addressing the relationship of the Word of God to the Scriptures of the Old and New Testaments, as understood within *Article I*, the exposition of the three-fold form of the Word of God placed the Scriptures in a context which affirms the inherent *authority* of those Scriptures. That is, the authority of the Scriptures of the Old and New Testaments within the Church of Scotland may be said to reside in the relationship of the Scriptures to the Word of God inherent in the revelation of the Word in Jesus Christ, and to the Word inherent in the proclamation of the Church. To that extent, the authority of the Scriptures of the Old and New Testaments within the Church of Scotland is expressed in a form which, whilst not necessarily identical, is consonant with that expressed elsewhere within the context of the 'One Holy Catholic and Apostolic Church'.<sup>134</sup>

#### 4.5 The Interpretation of the Scriptures of the Old and New Testaments

In seeking to address questions with respect to the authority of the Scriptures of the Old and New Testaments

<sup>134</sup> So, for example, a significant expression of the authority of the Scriptures of the Old and New Testaments within the context of the 'One Holy Catholic and Apostolic Church' is that found in Richard Hooker's *Ecclesiastical Polity* (2 Vol's) (J.M. Dent & Sons, 1907), *passim*, which expounds the authority of the Scriptures of the Old and New Testaments within the context of the authority of Tradition and the authority of Reason. See; Atkinson, Nigel, *Richard Hooker and the Authority of Scripture, Tradition and Reason* (Carlisle: Paternoster Press, 1997). Equally, we note that there are other Reformed expressions of the authority of the Scriptures of the Old and New Testaments which are essentially triadic in nature, albeit differently nuanced from that of Karl Barth. See; Vanhoozer, Kevin J., *Is There a Meaning in This Text?* (Leicester: Inter-Varsity Press, 1998), 455-457, where a 'Trinitarian' hermeneutic is presented as the conclusion of this study.

within the Church of Scotland, we have affirmed that the self-understanding of the Church as one which receives the Word of God as the constitutive source of its 'faith and life' implies that primacy ought to be given to the discernment of the Word of God in the complementary forms in which it has been revealed, transmitted and proclaimed to us. So to state, is not to imply that the task of engaging with the Word of God can be short-circuited by appeal to an otherwise unexamined tradition, still less that it can be trumped by an appeal to a source other than the Word of God. Rather, it is to state that the tradition of the Church, of which we are all heirs, shall best be served by engaging with the Word of God which has given it birth, and which holds the promise of re-birth.

In this regard, we may differentiate the question of the *authority* of the Scriptures of the Old and New Testaments, from that of the *interpretation* of the Scriptures of the Old and New Testaments. In so differentiating, we guard against the assumption that a profession of adherence to the *authority* of the Scriptures necessarily secures the exclusive veracity of any particular *interpretation* of the Scriptures. That is, a claim, whether by Traditionalist or Revisionist, to uphold the *authority* of the Scriptures does not, in and of itself, guarantee that the subsequent *interpretation* of the Scriptures offered, by Traditionalist or Revisionist, will be a sufficient reading of any specific Scriptural text. Thus, we may suggest that the task of interpretation, in relation to issues of human sexuality, places the interpreter between Scylla and Charybdis, where the necessity of fidelity to the Scriptures is held in tension with the hearing of the, often myriad, voices of the contemporary Church.

As an aid to the interpreter, it may be suggested that 'the rule of faith and love' is the surest guide. Thus, we hear a voice in the *2nd Helvetic Confession* (1566) where it affirms:

[W]e hold that interpretation of the Scripture to be orthodox and genuine which is gleaned from the Scriptures themselves (from the nature of the language in which they were written, likewise according to

the circumstances in which they were set down, and expounded in the light of like and unlike passages and of many and clearer passages) and which agree with the rule of faith and love, and contributes much to the glory of God and man's salvation.<sup>135</sup>

In seeking to hear that 'voice', and thereafter engage in the act of interpretation we may helpfully recall the contribution of the Panel on Doctrine's 1998 Report on "The Interpretation of Scripture".<sup>136</sup> In particular, we note the context out of which the Report emerged given that it is essentially the same context as that which confronts the Church today:

The roots of this report are to be found in the Panel's study of *Christian Marriage* (Assembly Reports, 1994 and 1995) – a study which exposed quite deep division amongst Church people, who sincerely believed they were being faithful to the insights of Holy Scripture.<sup>137</sup>

That the essential context remains the same is surely indicative of the degree of difficulty of the interpretative task that confronts the Church of Scotland today, whilst nevertheless holding us firmly to that task. That is, we are held to the task by the fact that a Church which seeks to be faithful to the authority of the Scriptures of the Old and New Testaments, understood within the context of the 'One Holy Catholic and Apostolic Church', can do no other than engage in the interpretation of those Scriptures, irrespective of the degree of difficulty.

That said, we note that the 1998 Report itself did not explore the nature of the interpretative task with respect to issues of human sexuality themselves. Rather, it sought to offer insight into the task through an extensive exploration of the history of interpretation and its

relevance to the contemporary task faced by the Church, excepting that relating to issues of human sexuality. In this context we note a consistent theme, expressed throughout the Report, is that each act of interpretation is a reading of the text of the Scriptures through a particular set of lenses, and that no act of interpretation takes place without the interpreter viewing the light revealed in the Scriptures through those lenses.<sup>138</sup> Equally, the Report offered 'Guidelines for Biblical Interpretation' which remain immediately relevant to the general nature of the interpretative task facing the Church today.<sup>139</sup> The 'Guidelines' are not, in themselves, an infallible guide to the interpretation of the Scriptures. Rather, they offer the interpreter a framework within which to address, and be addressed by, the Word of God within the community of the Church, whose very life depends upon that Word. The

<sup>138</sup> *Reports to the General Assembly of the Church of Scotland 1998*, (Panel on Doctrine) 11/6-7.

<sup>139</sup> *Reports to the General Assembly of the Church of Scotland 1998*, (Panel on Doctrine) 11/32-34. The 'Guidelines' below are supplemented by a fuller commentary in the text:

I. Be attentive

Each of these four guidelines concerns the nature of the biblical text as a literary work.

*Determine what kind of passage you are reading and read to gain a sense of the whole.*

*Be aware that different kinds of texts make different kinds of claims.*

*Locate the passage in the overall story-line of Scripture.*

*Be aware of how one text may allude to, repeat, fulfil or modify another.*

II. Be open

Each of these four guidelines concerns the role of context: one's contemporary context, the original context, the diverse contexts of interpretation in Church history and, finally, the canonical context.

*Acknowledge your prejudices and presuppositions.*

*Determine what the authors could have meant in the original context.*

*Become familiar with the history of biblical interpretation.*

*Relate difficult passages to simpler ones.*

III. Be obedient

Each of these four guidelines concerns the "fusion" of biblical text and contemporary context, of biblical canon and the community of faith.

*Read in the believing community.*

*Distinguish the descriptive from the prescriptive.*

*Prayerfully perform the Scriptures.*

*Use Scripture to form, inform and reform your heart, mind and imagination.*

<sup>135</sup> *2nd Helvetic Confession*, II.1.

<sup>136</sup> *Reports to the General Assembly of the Church of Scotland 1998*, (Panel on Doctrine) 11/1-11/40.

<sup>137</sup> *Reports to the General Assembly of the Church of Scotland 1998*, (Panel on Doctrine) 11/4.

Report concludes with words that we may choose to echo as we turn again to the task of interpretation:

In the Church we are presented with a variety of inherited interpretations of Scripture, which influence us through our participation in an ongoing, varied tradition of worship, scholarship and Christian service. Different strands of our Church of Scotland community will tend to interpret Scripture in different ways, depending on which facets of the tradition have most direct impact on them. We struggle to express the sense that we are a community of faith, sharing the depths of a common Gospel. There is a measure of agreement in essentials, yet diversity may often be a positive gift of God's grace as we are invited to love God in freedom with all our heart and mind and strength. Both unity and diversity may be gifts of God, or they may be coerced unities and faithless diversities. The ultimate unity of the Church is the unity in Christ which is the gift of the Spirit, a plural unity which may in some measure reflect the self-differentiated mystery of God, Father, Son and Spirit. It is through exploration of different insights in dialogue, respecting and engaging with difference in constructive tension, that the Church as a whole, in Scotland and throughout the world, can move forward into a new phase of expressing discipleship in the coming decades.<sup>140</sup>

## **5. The identity of the Church of Scotland within the communion of the 'One Holy Catholic and Apostolic Church': Addressing Issues of Human Sexuality**

The identity of the Church of Scotland within the communion of the 'One Holy Catholic and Apostolic Church', as expressed in our exploration of; the theological identity of the Church of Scotland; the ministry of Word and Sacrament and the ministry of the Diaconate within the Church of Scotland, and; the authority of the

Scriptures of the Old and New Testaments within the Church of Scotland, makes no claim to be exhaustive. Nevertheless, it offers a statement of that which might be judged to constitute the substratum of any ecclesiology of the Church of Scotland (and of any understanding of the ministry of Word and Sacrament and of the ministry of the Diaconate, and the authority of the Scriptures of the Old and New Testaments) irrespective of the issues of human sexuality before us.

Issues of human sexuality, by their very nature, admit of no simple solution. Nevertheless, we ought not to turn away from the task of addressing them for they take us to the very heart of the claim of the Church of Scotland to be a Church whose identity is rooted within the 'One Holy Catholic and Apostolic Church'. It is to that task that we now turn.

Following the remit given to the Theological Commission, in which the Commission was instructed to prepare a Report as a consequence of the General Assembly having resolved 'to consider further the lifting of the moratorium on the acceptance for training and ordination of persons in a same-sex relationship', we shall give consideration to a Revisionist exposition of the basis upon which the Church of Scotland ought to accept 'for training and ordination... persons in a same-sex relationship'. Thereafter, we shall give consideration to a Traditionalist exposition of the basis upon which the Church of Scotland ought not to accept 'for training and ordination... persons in a same-sex relationship'.

## **6. Addressing Issues of Human Sexuality within the communion of the 'One Holy Catholic and Apostolic Church': The Revisionist Case**

### **6.1 Introduction**

This part of the Report has been prepared by those members of the Theological Commission who were heartened by the decision of the 2011 Assembly to set the Church of Scotland on a trajectory towards full acceptance of gay and lesbian people in committed relationships into all forms of ministry, and who remain convinced that this is the right way to proceed.

<sup>140</sup> *Reports to the General Assembly of the Church of Scotland 1998*, (Panel on Doctrine) 11/39.

It is addressed primarily to commissioners at the General Assembly of 2013, those who will have to decide whether or not this trajectory should be followed to the next stage, but in full awareness of the many other people, within our Church and far beyond its bounds, who will be reading the Report with everything from mild curiosity to anxious concern.

Some of this wide readership will have clearly formed views already about the matter under contention. For some of these people, on both sides of the debate, the Assembly's decision will determine whether or not they can remain within the Church of Scotland, and none of the arguments presented here will alter that. There will be others, however, whose commitment to their Church is such that they will want to find a way to remain, with integrity, even if their position is not upheld. For them, Appendix I outlines the nature of the Overture, which will be presented in the Supplementary Reports, and which will attempt to be as generous as possible, within the limits of justice, to those who will be most seriously affected if the Revisionist view prevails. In the discussions of the Commission this has become known as the "mixed economy" proposal, and that shorthand term is likely to be deployed in the ensuing debate. It is an acknowledgement that the Commission's remit, from the outset, presumed that a Revisionist outcome of the Church's present disagreement must be accompanied by measures to protect those on the other side of the argument, and do so for the foreseeable future after the enactment of such an Overture. An "unmixed" Revisionist scheme, without such protections, is not proposed anywhere in this Report, as it would go further than our remit instructed.

For some, the deciding factor will be knowing that the same degree of fidelity and commitment is expected in homosexual as in heterosexual relationships for those in positions of authority within the Church. For them, the section on liturgy will be most relevant.

There are many in the Church whose every inclination is to be open and welcoming towards gay and lesbian

people, some of whom may be friends, fellow Christians or family members. They want to be able to celebrate with them and support them in their loving, committed relationships, but assume, possibly without ever having questioned this assumption, that to do so would mean going against the teaching of Scripture. The section on Biblical interpretation is most likely to be helpful to them.

Nor must it be forgotten that some of the people reading this Report and taking part in the debate will themselves be gay, lesbian or bisexual,<sup>141</sup> in ministry or in the process of discerning God's call, in a loving relationship or open to the possibility of making such a commitment in future. This is not, and never has been, about 'them' and 'us'. It is about members of the one body of Christ honouring their own God-given nature and calling, while respecting and making space for others who are different.

Inevitably, it is those people at both extremes of the spectrum of opinion who find it easiest to articulate their views, and these are the views which tend to gain media coverage. It is clear, however, both from the results of the consultation exercise conducted by the Special Commission and from the debate of the General Assembly in 2011, that there is within the ministry and eldership of the Church of Scotland a wide range of beliefs, opinions, uncertainties and concerns. It is unhelpful and inaccurate to try to polarise the debate, as if there were two clear positions, 'for' or 'against' the trajectory which the Church agreed, in 2011, to continue exploring.

It is to be hoped that the detailed theological argument and Biblical analysis presented throughout this Report will make clear, if nothing else, the complexity of the issues being addressed. Despite every attempt to suggest otherwise, no single view can be propounded as the opinion of 'the Church', whether historically or in the present day.

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<sup>141</sup> We use these terms for convenience, while recognising their limitations. Human sexual orientation does not fit neatly into discrete categories; rather it is a continuum on which each person is placed somewhere between the heterosexual and the homosexual extremes.

## 6.2 Revision and Re-visioning

When the General Assembly of 2011 discussed the Report of the Special Commission on Same-Sex Relationships and the Ministry, it resolved to establish a Theological Commission whose remit included theological exploration around same-sex relationships, civil partnerships and marriage. The Special Commission in its discussion had, despite acknowledging the limitations, continued to distinguish the different approaches to the issue as “Traditionalist” and “Revisionist”. Perhaps it would have been more accurate to designate the latter as Revisionist approaches (plural). The Revisionist stances emerge from a variety of perspectives and attitudes. Some have sought to examine the issue as participants in same-sex relationships, and are seeking to discern resonances with their experience in Scripture and church history. Others approach the issue because of the questions posed to the Church by many in our society and in our Church – often as an issue of equality and justice – and are seeking a deeper understanding. Others, from their reading of Scripture, have found themselves dissatisfied with the interpretations that have been offered, and are wrestling further with texts and contexts.

Revisionism, according to the *Shorter Oxford English Dictionary*, is “a careful or critical examination or perusal with a view to correcting or improving”. It is a revisiting of the issue, by exploring again text and context. The root of ‘revision’ means to see again. While such a revisiting may lead to reaffirming a previous understanding, it can also lead to embracing a different understanding and approach, and to a change of direction. Theological enterprise and Christian living are subject to what St. Paul understands when he says that ‘we see through a glass darkly, but then we shall see face to face’. (1 Corinthians 13:12) We are constantly called to see again, to revise, to be Revisionist, as a mark of faithfulness.

Our reflection is the result of an exploration conducted within the Reformed tradition and thus engages with the Bible. It does so in the light of the Panel on Doctrine Report: *The Interpretation of Scripture*, received by the General Assembly of 1998. We have also been conscious of

the work undertaken by other Churches and communions of Churches as they have sought to examine attitudes to persons in same-sex relationships. Such deliberations have been taking place over the last forty years, and yet agreement, or agreement to live with the acceptance of different attitudes, has been difficult to achieve.

Clearly, as we have attempted to examine again carefully and critically attitudes to same-sex relationships and the call to the ministry of Word and Sacrament, we have taken full account of other recent Reports to the General Assembly: *A Challenge to Unity: same sex relationships as an issue in theology and human sexuality* (2007); *Being Single: in Church and Society* (2009); and *Believing in Marriage* (2012). These Reports have given a detailed profile and exposition of attitudes and practices with regard to human relationships and human sexuality in our contemporary society. They have revisited the Scriptures and Christian traditions, seeking guidance for human relating, and noted the diversity of responses by Christians to current developments regarding sexual practice in committed relationships outside marriage, and even homosexual orientation and lifestyle.<sup>142</sup>

## 6.3 Reflecting God’s Loving Nature

The Report: *Being Single: In Church and Society*, places human relating in the context of God’s loving nature. As is clear from the earlier sections of our Report to General Assembly, these recent Reports and the discussion on the nature and mission of the Church, are located within an understanding of God as Divine Trinity.

God is God in relationship. As Father, Son and Holy Spirit, God is Trinity, three persons in perichoresis, the notion being that there is relationship, sharing, mutuality, love and togetherness in the Godhead.

Ecumenical reports on the interpretation of Scripture have, for the past 50 years, emphasised that all our reading

<sup>142</sup> *Reports to the General Assembly of the Church of Scotland 2009*, (Working Group on Human Sexuality) 4/70-4/72: “Late twentieth century developments”.

of Scripture is shaped by thematic, or hermeneutic lenses.<sup>143</sup> Such lenses are the result of seeking to find themes around which all other themes coalesce – locating a centre out of which text and context are understood and find coherence. The particular hermeneutical lens of this section of our present Report centres on the Divine Trinity – relating, love, justice, sharing, mutuality.<sup>144</sup>

For human beings to relate in love to one another is to reflect God's loving nature.

The Report *Believing in Marriage* points out that the Old Testament generally uses the same vocabulary for divine and human love, and that:

It is used of everything from mundane love of things to the raw emotion that drives people into each other's arms to the most exalted divine relationship with humankind.<sup>145</sup>

The primacy of love is perhaps most memorably affirmed in 1 John 4:

Beloved, let us love one another, because love is from God; everyone who loves is born of God and knows God. Whoever does not love does not know God, for God is love.<sup>146</sup>

The writer of the letter emphasises that it is God who embodies love and expresses the very ideal of relationship, an ideal that cascades into the best of human relationships of every kind.

We know what love is because we know God. The love of God is not a projection onto God of the best of the human experience of love. Rather, human love is a response to the love of God, as Dietrich Bonhoeffer movingly put it when commenting on 1 Thessalonians 4:9, with its exhortation to love:

It is God's own undertaking to teach such love. All that human beings can add is to remember this divine instruction and the exhortation to excel in it more and more. When God had mercy on us, when God revealed Jesus Christ to us as our brother, when God won our hearts by God's own love, our instruction in Christian love began at the same time. When God was merciful to us, we learned to be merciful with one another. When we received forgiveness instead of judgement, we too were made ready to forgive each other. What God did to us, we then owed to others.<sup>147</sup>

God is found where love is, and reveals love to be utterly above and beyond any manner of expressing it in word or action. This section of the Report examines the issue of same-sex relationships, therefore, in the context of an understanding of God as Trinity, of human relating, and of human sexuality.

#### 6.4 The Primacy of Relationship

Relationship and love take us to the very core of the Christian tradition.<sup>148</sup> At its heart is the God who is described as Three and/in One, and who has, since the dawn of creation, reached out to be known to his creatures, within the limits of our capacity to understand. The Scriptures offer us hints as to the nature of God, and

<sup>143</sup> See section 6.7 below.

<sup>144</sup> See Vischer, Lukas (ed.), *The Fourth World Conference on Faith and Order* (London: SCM, 1964). This understanding of the Divine Trinity is also the central focus – circle or lens – of the Faith and Order report: World Council of Churches, *The Church: Towards a Common Vision* (Geneva: WCC, 2013), which is to be sent to the Churches for response and reception. See especially paragraphs 1, 25 & 45, though the whole document takes this as its hermeneutical or relational centre.

<sup>145</sup> *Reports to the General Assembly of the Church of Scotland 2012*, (Working Group on Human Sexuality) 5/28. The exception to this is the word group derived from *racham* ('to be compassionate').

<sup>146</sup> 1 John 4: 7-8 (New Revised Standard Version).

<sup>147</sup> Bonhoeffer, Dietrich, *Life Together and Prayerbook of the Bible* (Minneapolis, MN: Fortress Press, 1996).

<sup>148</sup> The same point is made in; *Reports to the Church of Scotland General Assembly 2012*, (Working Group on Human Sexuality) 5/42: 'Marriage witnesses that all humanity was created for relationship – and is intended for faithful, self-giving love.' The group also quite independently described their report in the same way as we have described ours; 'this report is, at least in part, about love.' 5/24.

as Christians we believe that the fullest and truest picture we have of the eternal God is in the person of Jesus Christ, whom we encounter through the record of Scripture, and the continuing presence of his Spirit in our inner being, in the world and in the Church. Nevertheless, to speak of God at all is to enter the realms of mystery, where our faltering language and concepts seek to find ways to express the inexpressible, and we forget this at our peril.<sup>149</sup>

Through the pages of Scripture and beyond it, God is revealed as Father, Son and Spirit. The people of God in different ages have struggled to find words to articulate this. They have glimpsed that God manifests God's self as Creator, as Son and as Spirit, noting the distinctions within the Godhead, while simultaneously emphasising the oneness of God.<sup>150</sup>

This sense of the oneness of and the differentiation within God is above all found in the hymns of the New Testament, and especially the Ephesian hymn where the activity of God – Father, Son and Spirit – is affirmed, with the writer using the device of a single sentence to proclaim the unity of God.<sup>151</sup> God is spoken of as One, but also as differentiated within this unity. Some passages of Scripture speak of the Father, others of the Son and others of the Spirit. It is not without significance that these are relational terms. The Son cannot exist without the Father – indeed Jesus points to his relationship of union with his Father as the way for human relating in his famous farewell prayer,<sup>152</sup> and goes on to speak of the Spirit who will draw people into union with God and each other.<sup>153</sup>

<sup>149</sup> This report is not the place to try to offer a full discussion of the nature of God, or of the various attributes of God adumbrated in classical theologies. It can only offer some hints in the context of an exploration of human relating.

<sup>150</sup> Clearly, the developed understanding of God as Divine Trinity is only hinted at in the pages of Scripture, but elaborated by the Fathers of the Early Church.

<sup>151</sup> Ephesians 1: 3-14.

<sup>152</sup> On John 17, see; Appold, Mark, *The Oneness Motif in the Fourth Gospel* (Tubingen: J.C.B. Mohr, 1976).

<sup>153</sup> See; Brown, Raymond, *The Gospel according to St John* (Volume II) (London: Chapman, 1966). That God is Trinity is well expressed in

This relationship of Father, Son and Spirit is spoken of as one whereby each exists for and in the other. The testimony of the Church throughout the ages has been the insight that exhibited within God is a mutuality and interdependence, a bondedness, whereby each has their own identity, an identity primarily described in terms of a relationship of love.

St Augustine affirmed:

You see the Trinity  
When you see the eternal love;  
For the Three are the One Loving  
The Beloved and their Love.<sup>154</sup>

The Scottish medieval theologian, Richard of St. Victor, develops this further:

Love is, in fact, gift and exchange. If God is love, there meet in him a plurality of persons without which there could be neither gift nor exchange.<sup>155</sup>

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the writing of Johannes Wollebius, the 17th century Swiss Reformed theologian, though it is clear also in the strong emphasis given to the Trinity by Calvin; it also lies at the core of the Ecumenical Creeds, and Calvin's *Institutes of the Christian Religion* is posited upon the order of the *Apostles' Creed*, as are the Reformed Confessions of Faith, and our own *Articles Declaratory*.

<sup>154</sup> St Augustine, *De Trinitate*, in; Burnaby, John (ed.), *Augustine: Later Works* (London: SCM, 1955). See also; Torrance, Thomas F., *Israel: People of God - God, Destiny, Suffering* (London: CCJ Occasional Papers, 1978). The classic development of this understanding is evident in Zizioulas, John, *Being as Communion* (New York, NY: St Vladimir's Press 1985). See also; Moltmann, Jurgen, *Jewish Monotheism and the Christian Trinitarian God* (Philadelphia, PA: Fortress Press 1981); Volf, Miroslav, *Exclusion and Embrace* (Nashville, TN: Abingdon Press 1996), and; Fiddes, Paul, *Participating in God: A Pastoral Doctrine of the Trinity* (London: DLT, 2000). For the development of this understanding within the ecumenical movement, see; Falconer, Alan D., "The Holy Trinity – a living reality linked to the whole of our human existence", in; O'Grady, John and Scherle, Peter (ed's) *Ecumenics from the Rim: explorations in honour of John D'Arcy May* (Munster: LIT Verlag, 2007), 53-60; and Fiddes, Paul, *Participating in God: A Pastoral Doctrine of the Trinity*.

<sup>155</sup> Zinn, Grover, *Richard of St Victor: Book 3 of The Trinity* (London: SPCK, 1979) xv.



Love is being-for-the-other, being-with-the-other. An early hymn of the Church describes this as Jesus' self-emptying for the sake of humanity, the fullest expression of being-for-others.<sup>156</sup> Such kenosis, or self-emptying, is costly and sacrificial, as the hymn emphasises. That way of being through love is shared with humanity through Jesus, who draws us into the relationship of divine love, binding us to God's self and to each other.<sup>157</sup> Geddes MacGregor affirms:

The divine power should be conceived as the infinite power that springs from creative love. That is the power that is infinite, being infinitely creative and therefore infinitely sacrificial... It is the power of sacrificial love. God does not control his creatures; he graciously lets them be... The divine almightiness consists in God's possession of an unlimited capacity for creative love, so that not only does he bring creatures into being to let them be, he creatively restores whatever seeks such restoration, so that the redeemed might indeed well be called a new creation, that is, a re-creation.<sup>158</sup>

### 6.5 In the Image of God

To be made in the image of God is to assert that humanity is created *imago Dei Trinitatis* ("in the image of God the Divine Trinity"). Humanity is created in and for relationship and love. To be 'human' has at its core the seal and sign of mutuality and interdependence with others. To reflect the image of God involves living that relationship of mutuality and love.<sup>159</sup> Each human being is distinct and

distinctive, and yet our very identity is bound up with others. 'I' cannot exist without – or outside – relationship with 'the other'. Indeed 'my' very identity is shaped by such relationships. Such is affirmed in the important British Council of Churches report, *The Forgotten Trinity*:

If God is essentially relational then all beings shares in relation: there is a relational content built into the nature of being. To be is to exist in relation to other beings.<sup>160</sup>

Such relating is meant to be an expression of love. However, human beings have not lived in the light of this love, but have departed from God's love through self-love, self-absorption, self-obsession. Human beings have marginalized persons and groups of people, placing them on the edge of society, excluding them, and at times demeaning or declaring them to be enemies. The Bible witnesses to the sin of men and women, to the 'fall of humanity', the severing of the relationship with God through human initiative. From God's side this relationship is never broken. Thus Scripture also reveals the drama of salvation through the activity of God. Thus the Image of God is seen to be a true description of Jesus Christ. That is the force of St Paul's reflection in Romans 5:12-21, where the contrast is made between human life in Adam and human life in Christ. Human beings share in this Image of God through and in Christ.

Otto Weber emphasises that:

[T]he "image of God" is clearly not a concept of being or quality, but of relationship.<sup>161</sup>

<sup>156</sup> Philippians 2: 6-11.

<sup>157</sup> See Markus Barth's exposition of the Ephesian Hymn in his magisterial commentary on the Epistle: Barth, Markus, *The Letter to the Ephesians* (Volume I) (New Haven, CT: Yale University Press, 1976).

<sup>158</sup> MacGregor, Geddes *He Who Lets Be: A Theology of Love* (New York, NY: Seabury Press, 1975). The Chief Rabbi of Great Britain and Northern Ireland, Dr Jonathan Sacks states that *hesed* is one of the Torah's most important framing devices: God is 'He who cares'. See Sacks, Jonathan, *To Heal a Fractured World* (London: Continuum, 2005).

<sup>159</sup> This theme of *Imago Dei Trinitatis* was prominent in the World Alliance of Reformed Churches' Report, *On a Theological Basis of Human Rights* (Geneva: WARC, 1976), and the World Council of Churches, Faith and Order Commission's work on Ecclesiology and Ethics, especially *Costly Commitment*, (Geneva: WCC, 1976).

<sup>160</sup> A group of distinguished British theologians from every tradition was chaired by Professor James Torrance, and another member was Prof Alastair Heron. The report originally published by the British Council of Churches in 1989 has been re-issued, with a selection of papers, by Churches Together in Britain and Ireland. Churches Together in Britain and Ireland, *The Forgotten Trinity* (London: CTBI, 2011). For a further exploration of this theme see; De Gruchy, Steve, "Human Being in Christ: resources for an inclusive anthropology", in; Germond, Paul, & De Gruchy, Steve (ed's), *Aliens in the Household of God* (Cape Town: Davis Philip, 1997), 233-269.

<sup>161</sup> Weber, *Otto Foundations of Dogmatics* (Grand Rapids, MI: Wm. B. Eerdmans, 1981), 561.

Karl Barth says:

True human nature can only be understood in and through Jesus Christ.<sup>162</sup>

And Jurgen Moltmann has concluded:

If we start from God's relationship to human beings then what makes the human being God's image is not his possession of any particular characteristic or other – something which distinguishes him above other creatures – it is his whole existence. The whole person, not merely his soul; the true human community, not only the individual; humanity as it is bound up with nature, not simply human beings in their confrontation with nature – it is these which are the image of God and his glory.<sup>163</sup>

### 6.6 Of Love and Justice

Because of God's love, human beings never lose the designation of being in the image of God. If Jesus Christ is the paradigm of what it means to be a human being, the kind of person Jesus was, as illustrated in his birth, life, death and resurrection, becomes illustrative of what it means to be human.<sup>164</sup> It is clear from the Gospel accounts that Jesus in parable and in action focussed on the plight of the marginalized in society, emphasising the importance of justice and the inclusion of those who had been placed on the edge of society. Even those considered enemies by his contemporaries – the Romans and the Samaritans – are placed at the centre of God's loving activity, as is evident in the Parable of the Good Samaritan, and the encounters with the Samaritan woman at the well at Sychar, and with the Roman centurion, among others.

The Christian community seeks to express the Word of God

in language, in worship and in ways of behaviour consonant with the love of God.<sup>165</sup> Such love is expressed in every aspect of human living. The divine love, like the highest human love which it calls into being, is not to be confused with mere sentiment.<sup>166</sup> It includes the divine qualities of mercy and forgiveness, but also God's purity, judgement and righteousness. It makes costly demands of lover and beloved. It is characterised by self-giving, not self-seeking, and is offered unconditionally and consistently, regardless of whether it is spurned, ignored or reciprocated. It takes us, as human beings, far beyond the normal bounds of human loving. Our forgiveness of others is to be as unlimited as the forgiveness we have received;<sup>167</sup> we are to return hatred with love,<sup>168</sup> and treat enemies with the compassion and respect which we would normally show only to our closest family and friends.<sup>169</sup> God's love is expressed most fully in the birth, life, death and resurrection of Christ. This is what both inspires our human loving, and makes it possible through the Holy Spirit.

In this is love, not that we loved God but that he loved us, and sent his son to be the atoning sacrifice for our sins. Beloved, since God loved us so much, we also ought to love one another. No-one has ever seen God; if we love one another, God lives in us, and his love is perfected in us.<sup>170</sup>

This is the hermeneutical or relational centre not only for interpreting Scripture, but for all human living.

<sup>162</sup> See Karl Barth, *Christ and Adam: Man and Humanity in Romans 5*, *Scottish Journal of Theology* (Occasional Papers 5) (Edinburgh: Oliver & Boyd, 1963), 43, and in; Niebuhr, Reinhold, *The Nature and Destiny of Man* (New York, NY: Scribner, 1991), especially Volume II, 76f.

<sup>163</sup> Moltmann, Jurgen, *God in Creation: An Ecological Doctrine of Creation* (London: SCM, 1985), 221.

<sup>164</sup> See Migliore, Daniel, *Faith Seeking Understanding* (Grand Rapids, MI: Wm. B. Eerdmans 1991), 123.

<sup>165</sup> The interdependence and inter-relationship between Word, worship and discipleship is well expressed in the marks of the Church in the *Scots Confession* (1560), and in the *Articles Declaratory of the Church of Scotland*.

<sup>166</sup> This is most poetically expressed in 1 Corinthians 13.

<sup>167</sup> Matthew 18: 21-35 (Parable of the unforgiving servant); Matthew 6:12-15 (Lord's Prayer and commentary); Mark 11: 25 (Teaching on prayer).

<sup>168</sup> Romans 12:20, quoting Proverbs 25:21-22: 'If your enemies are hungry, feed them; if they are thirsty, give them something to drink; for by doing this you will heap burning coals on their heads.'

<sup>169</sup> Matthew 5: 38-48; Luke 6: 27-36.

<sup>170</sup> 1 John 4: 10-12.

### 6.7 The Hermeneutical Lens

Whether consciously or not, everyone who reads Scripture for guidance on matters of faith, does so through their own interpretative, or hermeneutic lens. The term was used by the Special Commission in its Report when referring to Revisionist perspectives.<sup>171</sup> However, the identification of 'relational' or 'hermeneutical circles' was an aspect of the famous and influential Faith and Order report on 'Tradition, tradition and traditions'.<sup>172</sup> It emphasised that all interpreters are subject to interpreting through particular hermeneutical or interpretative lenses.

There is nothing new about reading Scripture through the hermeneutic lens of love.<sup>173</sup> On the contrary, it is what Jesus himself did when he agreed with some of his Jewish contemporaries that the whole of the Torah and the teaching of the prophets could be summed up in the two commandments, 'Love God... and your neighbour as yourself'.<sup>174</sup> A similar attitude is implied by his refusal to let legalism stand in the way of compassion,<sup>175</sup> and his relativisation of one of the most important requirements of the Jewish law, when he said: 'The sabbath was made for humankind, and not humankind for the sabbath'.<sup>176</sup> Paul likewise sets love as the criterion for judging the validity of fluent speech, inspired preaching, wise teaching, faith,

charitable giving and even martyrdom, all of which are empty unless grounded in love.<sup>177</sup>

Of the early Church Fathers, it was Augustine of Hippo (354-430) who emphasised most clearly the centrality of love to a true understanding of Scripture. His reflections are particularly apposite to our current situation when he points out the foolishness of arguing over the interpretation of Scripture, when that very conflict shows that we have failed to grasp its central truth:

There are so many meanings to be extracted from these words; so how foolish it is, then, to be in a hurry to assert which of them Moses really meant, and with destructive controversies to offend against the spirit of love, when it was for the sake of love that Moses said all the that things we are trying to elucidate.<sup>178</sup>

For him, the goal of exegesis was not right doctrine, but right living, according to the spirit of love. The way to deal with difficult passages was to 'meditate on what we read until an interpretation be found that tends to establish the reign of charity'.<sup>179</sup> If a literal interpretation ran counter to that rule, then a figurative one must be applied:

Whoever, therefore, thinks that he understands the divine scriptures or any part of them so that it does not build the double love of God and of our neighbour does not understand it at all. Whoever finds a lesson there useful to the building of charity, even though he has not said what the author may be shown to have intended in that place, has not been deceived.<sup>180</sup>

Unknown to Augustine, the same conclusion had been reached four centuries earlier by the respected Pharisee,

<sup>171</sup> *Reports to the General Assembly of the Church of Scotland 2011*, (Special Commission on Same-Sex Relationships and the Ministry) 23/32; 'all readers interpret Scripture and nobody reads Scripture without lenses'.

<sup>172</sup> World Council of Churches, Faith and Order, *Fourth World Conference on Faith and Order – Montreal 1963* (Geneva: WCC, 1963).

<sup>173</sup> See; *Reports to the General Assembly of the Church of Scotland 2011*, (Special Commission on Same-Sex Relationships and Ordination) 23/34, quoting Anna Karin Hammar: '[T]he church starts to change its teaching when it realises that that teaching violates "the primacy of love". When expressions of faith no longer reflect justice or mercy, the church needs to renew its study of Scripture and Tradition.' "Staying Together? On Ecumenism,, Homosexuality and Love", *Ecumenical Review* 56 (2004), 448-458.

<sup>174</sup> Matthew 22: 34-40; Mark 12: 28-34; Luke 10: 25-28.

<sup>175</sup> For example, his justification of healing the man with the paralysed hand without waiting until the Sabbath was over (Matthew 12: 9-14; Mark 3: 1-6; Luke 6: 6-11).

<sup>176</sup> Mark 2: 27.

<sup>177</sup> 1 Corinthians 13: 1-3.

<sup>178</sup> St Augustine *Confessions* (Harmondsworth: Penguin, 1962), 12.25.35, 301.

<sup>179</sup> St Augustine *On Christian Doctrine* (New York, NY: Bobbs-Merrill, 1958) XXXV, 30.

<sup>180</sup> St Augustine *On Christian Doctrine* (New York, NY: Bobbs-Merrill, 1958) XXXV, 30.

Rabbi Hillel, Jesus' older contemporary, who preached a version of the Golden Rule and maintained that all *midrash*, or Biblical exegesis, must be guided by the principle of compassion:

It was said that one day a pagan had approached Hillel and promised to convert to Judaism if he could summarize the entire Torah while he stood on one leg. Standing on one leg, Hillel replied, 'What is hateful to yourself, do not to your fellow man. That is the whole of the Torah, and the remainder is but commentary. Go study it.'<sup>181</sup>

In the Gospel Jesus stresses the importance of holding word and action together. He notes that while the Scribes and Pharisees interpret the law, they do not seem to be living it. They disconnect word from being. After noting a number of injunctions from the law, Jesus lays before these authorities the following charges:

[You] have neglected the weightier matters of the law: justice and mercy and faith. It is these you ought to have practised without neglecting the others.<sup>182</sup>

### 6.8 The Gift of Love

While it is the Christian task to love neighbour and stranger and every person given to us by providence, including those with whom we most profoundly disagree, it is God's gift to humans to feel affectionate love particularly for certain people, and – as many people delight to discover – to feel intense, exclusive love for one other person. Such loving relationships take time to grow and develop. But such growth requires patience and discernment. They are subject to the same features of life as other relationships – disappointment and forgiveness, trust and distrust. It is often only in retrospect that it is possible to acknowledge

that each has become a gift to the other, mediating to the other the grace of God.

Where feelings of romantic love are reciprocated, and both parties are free and willing to take the risk of commitment, their love will, if they are fortunate, grow and deepen, finding expression in a whole variety of ways.<sup>183</sup> These range from distracted thought to life-long comfortable routines, from poetic words to extravagant gift-giving, from thirsting for the sight and sound of the other to the excitement and encouragement of touch – and sometimes sexual touch. To divorce these expressions of love from the context of a loving relationship is at best to rob them of their significance and at worst to indulge in the foolish feeding of base appetites.<sup>184</sup> To presume that any one of these types of expression must feature in every relationship of two people in love fails to recognise the infinite variety of human spirits and the possible bonds between them. Not every lover will resort to poetry; and not every loving couple will engage in explicitly sexual activity. Our discussion here does not privilege or presume any single expression of love.<sup>185</sup>

A member of this Church finds herself loving. No matter who she is – young, old, gay, straight, any other adjective you like – she may be stunned by the identity of her beloved, by the strength of her feelings, by the realisation

<sup>183</sup> *Reports to the General Assembly of the Church of Scotland 2012*, (Working Group on Human Sexuality) 5/24, is on similar territory when it says: 'We are aware, of course, of the difficulty of putting into prose something which may best be expressed in experience, in commitment over time, in emotion, in touch, in music, or if in words, in poetry.'

<sup>184</sup> '[I]t (lust) is the antithesis of love in that it seeks sexual experience as an end in itself, rather than as a means to deepening a relationship in the context of personal commitment.' (*Reports to the General Assembly of the Church of Scotland 1994*, (Board of Social Responsibility) 504.

<sup>185</sup> *Reports to the General Assembly of the Church of Scotland 1994*, (Board of Social Responsibility) 505-506, sees sexuality as part of our humanity, expressed in many different ways. *Reports to the General Assembly of the Church of Scotland 2009*, (Working Group on Human Sexuality) 4/81 links sexuality and spirituality.

<sup>181</sup> B Shabbat, 31a, in; Cohen, A. (ed.) *Everyman's Talmud* (London: Dent, 1932). This Jewish approach has recently been reaffirmed by Jonathan Sacks in *To Heal a Fractured World* where he asserts that the primary modes of interpreting the Torah are through the central focus of steadfast love, right relating, justice and peace.

<sup>182</sup> Matthew 23: 23.

that this is not something she has chosen to do and feel. That sense of the sheer givenness of that love, of the sheer providence of it, is just the same whether she is young, old, gay, straight, any other adjective you like. It may or may not be possible for a committed relationship to develop from these first powerful stirrings of love, but the Church's mandate, in the name of the one in whom all our human loving has its source, is to take love seriously, every time, and not to make presumptions about the exact shape and content of a particular partnership.

### 6.9 Integrity and Consistency

It is encouraging to find such a widespread understanding in the Church – across the divide of this debate on sexuality – of the genuine existence of the phenomenon of homosexual orientation.<sup>186</sup> Undoubtedly those of a homosexual orientation have experienced marginalization and rejection by both Church and society in the past. There is now a growing awareness that our sexuality is more complex than the simple assigning of categories would suggest. Rather than labelling people as 'gay' or 'straight' or 'bisexual', it is more helpful to think of a broad spectrum of sexuality, on which each person has a place which is relatively firmly established from an early stage in life.<sup>187</sup> Each unique human individual has countless characteristics, and the nature and strength of his or her sexual instinct is as varied as any other feature or gift he or she may display.

The Report of the Special Commission acknowledges more explicitly than ever before that there are already, and always have been gay and lesbian people in the Church, giving valuable service in every role including ordained ministry.<sup>188</sup>

So when 'the Church' prays, reads, reflects, looks, listens and thus uses every God-given tool at its disposal to discern where God is and therefore where we need to be, it is not a case of 'us' (heterosexuals) deciding what to do about 'them' (lesbian, gay, bisexual, transsexual and any other of the labels we insist on using for people made in God's image and called into Christ's service). Rather, it is a case of 'us', members of the one body of Christ, recognising our God-given diversity and learning to value those parts of ourselves that we would rather not think about, whether that be our capacity for same-sex attraction or our tendency to judge and exclude those who are different.

This is not an apology for a boundless diversity, for diversity spilling into lifestyles the whole Church would abhor, or for diversity without discipline. The Christian disciplines of grace, compassion, integrity and unselfishness demand as much from those in same-sex relationships as from those in straight ones, and Paul's warnings against confusing freedom with licence are as relevant now as ever.<sup>189</sup>

There is a general agreement that there is room within the Church's family for relationships that are exclusive, intimate and fervent, provided there is no occurrence of the kind of genital intercourse that raises the question on which the Church is so hopelessly conflicted.<sup>190</sup> This section of the Report contends that the theological challenge is for the Church to look more and more at that bigger picture, to the relationship that is rightly prior to the many possible expressions of it; for our problem seems

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(Special Commission on Same-Sex Relationships and Ordination) 23/40; 'we wish to acknowledge the value of the service which homosexual Christians have given and give to our Church through their ministry'.

<sup>189</sup> 1 Corinthians 6: 12: 'All things are lawful for me, but not all things are beneficial.' Galatians 5: 13-14: 'You were called to be free, brothers and sisters, only do not use your freedom as an excuse for self-indulgence, but through love become slaves to one another.'

<sup>190</sup> James B. Nelson, "Where are We? Seven Sinful Problems and Seven Virtuous Possibilities", in; Ellison, Marvin, & Douglas, Kelly, *Sexuality and the Sacred*, 95-104, makes this point in the context of Biblical interpretation. While there is no explicit biblical guidance on same-sex genital expression, he notes that the Bible 'pointedly celebrates instances of same-sex emotional intimacy'.

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<sup>186</sup> *Reports to the General Assembly of the Church of Scotland 2011*, (Special Commission on Same-Sex Relationships and Ordination) 23/28.

<sup>187</sup> As early as 1948, the Kinsey Report suggested a seven-point scale ranging from exclusively homosexual to exclusively heterosexual. Gudorf, Christine, "The Erosion of Sexual Dimorphism: challenges to religion and religious ethics", in; Ellison, Marvin, & Douglas, Kelly, (ed's), *Sexuality and the Sacred* (Louisville, KY: Westminster/John Knox Press, 2010), 149, notes growing acceptance of the Kinsey spectrum and recognition of sexual orientation as a 'relatively stable' aspect of individual personalities.

<sup>188</sup> *Reports to the General Assembly of the Church of Scotland 2011*,

to lie with only one of those expressions, one that may not characterise every relationship of every pair of lovers. And if every other kind of expression causes us no difficulty, nor the love itself that is so much more significant and reflective of Christ's nature, it does not need to seem a large step to allow that one last form of expression. Perhaps it is a difficult step, if the debate has started with a focus on some particular types of bodily activity, and extrapolated out to the relationships that include them. The dynamic seems different, though, when love and relationship come first, and sexual intimacy is just one consequence that appears rather far down the train of the argument.

For as long as humans have been born of every shape, size and physical attribute, some people have struggled to understand why God made them the way they are. They have been troubled by things we see now as morally neutral, like left-handedness or black skin.<sup>191</sup> They have been troubled by things we see as disadvantages needing particular support, like an addictive personality or a physical impairment or a dysfunctional family background. The Church in its expression of the compassion of Christ has always tried to enable everyone to fulfil whatever potential they have, and especially their ability to love.<sup>192</sup> We should not suppress that potential, not lightly.<sup>193</sup> To impose

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<sup>191</sup> MacLean, Marjory A, "The Left-Handed Minister" in, MacLean, Marjory A, *Speaking from the Heart: Essays on being the Church of Scotland* (Edinburgh: Shoving Leopard, 2010) 103-110. Chalke, Steve, *A Matter of Integrity: The Church, Sexuality, Inclusion and an Open Conversation* (London: Oasis, 2013): <http://www.oasisuk.org/article.aspx?menuid=31887>, makes a similar point: '[D]oes the 'norm' necessarily infer the 'ideal'? Or is it like the 'norm' of being right-handed, which never implies any failing of those who are born left-handed?'

<sup>192</sup> *Reports to the General Assembly of the Church of Scotland 1994*, (Social Responsibility) 507- 511, discusses sexuality in relation to elderly people and people with learning and physical disabilities. In every case, it stresses the importance of encouraging and facilitating appropriate sexual expression within loving relationships.

<sup>193</sup> *Reports to the General Assembly of the Church of Scotland 1994*, (Panel on Doctrine) 264, discusses the 'givenness' of same-sex orientation, part of the 'God-given createdness which is ours to make the best of.' Theological difference comes in at the point of deciding what this means for people of homosexual or bisexual orientation:

celibacy on those who have not chosen it involves loss on a huge scale and on many different levels. We are called as Christians to 'mourn with those who mourn', but would surely forfeit the right to do so if we are the ones who have imposed a loss that many Christians, for Biblical as well as pastoral reasons, consider cruel and unnecessary.<sup>194</sup> It is not a demand that should be made lightly.

The Church is looking now at a trajectory of thought that is seen, in this understanding of the Gospel, as a final step needed to complete the big journey of acceptance and inclusion undertaken by almost the whole of the Church of Scotland during the recent phases of this debate. This section of the Report calls for a consistency of approach to match and perfect and complete the honesty and integrity and unity of so much on which we already agree.

There are two further areas in which consistency is required and may sometimes be lacking.

The first concerns the consistency of treatment, professionally and pastorally, of those who have answered, or come to feel, a vocation to ministry, but whose lives are overshadowed by the current debate. In a comparable way, in the 1960s, the issue of women's ordination was brought to the attention of the General Assembly when Mary Lusk managed to focus the question on the existence of a sense of calling to ministry that was so strong it could not be dismissed by the weight of the Church's existing practice. The Church needs to address the challenge of those who can find no other language than the language of vocation to explain both the same-sex relationship in which they find themselves and their conviction that they are being called to one of the ministries of the Church. The trajectory opened for exploration by the 2011 General Assembly enables the tension of their situation to be resolved.

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whether they must suppress their loving potential or seek to channel it towards 'loyal, loving, total body-mind-spirit relationship'.

<sup>194</sup> Romans 12: 15. See; *Reports to the General Assembly of the Church of Scotland 2007*, (Working Group on Human Sexuality) 4/36 on the recognition among traditionalist writers of the extent of what they are asking by advocating celibacy for people of same-sex orientation and the need for sensitive pastoral care.

The second area in which consistency could become a problem concerns the requirement, if the Traditionalist approach is followed, that some ministers, but not others, should be required to make a commitment to lifelong celibacy. For those few people called to celibacy, it is an honourable vocation, and one with a long Christian pedigree.<sup>195</sup> And many heterosexual ministers, like others who happen to be single, widowed or divorced, live contentedly celibate lives for shorter or longer periods of time. We need to be counter-cultural in resisting the widely propagated view that an active sex life is essential to personal fulfilment at every stage of a person's life. It is, however, a very different matter to impose celibacy on someone who has not chosen or been called to it.

Both Jesus and Paul commended those who were able to focus on the work of the kingdom unencumbered by family ties, but both also made clear that this was not for everyone. The Reformers departed decisively from the medieval Church with its insistence, theoretically at least, on clerical celibacy, doing so on the basis of their interpretation of 1 Timothy 4:3. Martin Luther was very forceful on this subject,<sup>196</sup> and Calvin no less vehement when he described the prohibition of marriage to priests as a 'pestiferous tradition' which 'has not only deprived the church of fit and honest pastors, but has introduced a fearful sink of iniquity, and plunged many souls into the gulf of despair.'<sup>197</sup> We are not suggesting for a moment that Luther or Calvin could have contemplated their advice being applied to same-sex couples, but heterosexual ministers, whether single or married, might do well to ask how differently they would have felt about their call to ministry, and what their response might have been if accepting their vocation had meant renouncing for ever the possibility of marriage and family life.

### 6.10 The Interpretation of Scripture

One of the many strengths of the research carried out by the Special Commission which reported to the General Assembly in 2011 was the wide range of responses which was offered to each question in the survey sent out to every Presbytery and Kirk Session in the land. And one of the most significant aspects of its findings was the wide variety of opinion – theological and otherwise – on the issues under discussion. People are not simply 'for' or 'against' the recognition of same-sex relationships; they do not either 'accept' or 'reject' the authority of Scripture. Some do have very strong and clear opinions, and those, inevitably, are the voices which tend to be the loudest and most strident, but it is important to recognise the subtlety and complexity of the process of discernment taking place in the centre ground, for example among those people who were drawn to the motion which very nearly carried in 2011, not to tie the present Theological Commission into either of the two proposed trajectories,<sup>198</sup> and those who abstained from the eventual vote.<sup>199</sup>

Nowhere is this subtlety and complexity more evident than in the crucial area of the interpretation of Scripture. As Reformed Christians, as members, Elders, Deacons and ministers of Word and Sacrament of the Church of Scotland, we take as our starting point the recognition of 'the word of God contained in the Scriptures of the Old and New Testament' as our 'supreme rule of life and faith', but within that deliberately ambiguous formulation there is room for many different approaches to discerning the will of God,<sup>200</sup> using the many different resources which an

<sup>198</sup> The Very Rev. Dr. Finlay McDonald's proposed amendment to Section 7 was defeated by 393 votes to 347.

<sup>199</sup> 294 Commissioners voted for Section 7a and 351 for Section 7b; this leaves 99 unaccounted for. Most, but not all, of these Commissioners would have been present for the debate and chose to abstain.

<sup>200</sup> This is part of the carefully chosen wording of the *Articles Declaratory*. The phrase 'contained in' leaves space for that 'liberty of opinion' which is to be allowed on those matters which are not 'of the substance of the faith', another phrase left deliberately undefined. See; *Reports to the General Assembly of the Church of Scotland 2011*, (Special Commission on Same-Sex Relationships and Ordination) 23/36.

<sup>195</sup> For a discussion of this, see *Reports to the General Assembly of the Church of Scotland 2009*, (Working Group on Human Sexuality) 4/82.

<sup>196</sup> See, for example, Martin Luther, "The Estate of Marriage" (1522) in *Luther's Works* (Volume 45) Philadelphia, PA: Fortress Press, 1962), 38-46.

<sup>197</sup> John Calvin, *Institutes of the Christian Religion*, 4.12.23: "Of the Celibacy of Priests".

infinitely imaginative Creator has provided;<sup>201</sup> the written words of Scripture; the inner conviction of the Holy Spirit; human reason and experience; Church tradition, to name but a few.<sup>202</sup>

There are those who instinctively recoil from the idea of same-sex partnerships, but do not take a literalist or even a particularly 'high' view of Scripture. They are less likely to be influenced by Biblical exegesis than by meeting gay and lesbian couples, hearing their stories and discovering how 'ordinary' their lives are.<sup>203</sup> There are other faithful Christians whose every instinct is to be open and affirming, but who feel they cannot condone same-sex partnerships without going against the teaching of Scripture. They need to be assured that no one side in the debate has a monopoly on the word 'Biblical'; any more than one faction can claim sole right to be described as 'inclusive'. Widely differing, and sometimes irreconcilable views are held by people who have all read and studied the Biblical material, and who, in good faith, understand its message differently.

The Theological Commission has no mandate, nor any desire, to recall, or replace, the Reports the General Assembly

have received in recent years on the interpretation of Scripture.<sup>204</sup> The present debate is conducted, therefore, by people whose approaches to the Bible, while different, seek to discern the Word of God in text and context. Neither this Commission, nor indeed the Church as a whole, applies one box of interpretative tools to one agreed list of relevant passages in the hope of resolving this long debate into one set of authoritative answers.

The variables affecting people's reading of the Bible on this and any other issue are many, and just a few might be:

- (a) How many passages – and which ones – are believed to express the word God has to speak on a particular subject;
- (b) whether the reader expects any passage to bear a 'plain meaning', or always to be liable to interpretative debate;
- (c) what facts, beliefs and deductions (hermeneutical tools) the reader brings to a text in deciding what it signifies;
- (d) whether the reader believes it is legitimate to disregard a text as irrelevant to the current debate – and that may happen on the grounds of a deep, earnest, principled belief that the writer was mistaken, or writing only for his own age, or working with an incomplete understanding of the sciences modern people use to make convincing interpretations;
- (e) whether the identity and situation of the readers and hearers of a passage is regarded as affecting its authority from one age to another.

In our Church some people believe that there is only one correct interpretation of a particular passage; and it is the one they themselves believe. Other people believe

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<sup>201</sup> The same point is made in the report, *Believing in Marriage*: 'While no theology can proceed without critical exegesis of texts and passages, theology also goes beyond exegesis, finding truth across Scripture as a whole, while also aware of the contributions to our thought made by reason, experience and tradition.' *Reports to the General Assembly of the Church of Scotland 2012*, (Working Group on Human Sexuality) 5.25.

<sup>202</sup> *Reports to the General Assembly of the Church of Scotland 2007*, (Working Group on Human Sexuality) 4/10, recognises difference of opinion on 'the extent to which Scripture is one element among any when it comes to making up one's theological conviction and response to any issue'. It also warns Revisionist and Traditionalist Christians alike against assuming 'that those with whom they disagree theologically are neglecting a resource precious to themselves'.

<sup>203</sup> John, Jeffrey, *Permanent, Faithful, Stable*, 54: 'Knowing an ordinary gay couple is the best antidote to prejudice... As one 'out' priest put it, "Once it dawned on the parish that having a partner didn't mean orgies at the vicarage but having arguments about who goes to Tesco's and who walks the dog, they stopped minding. They realized that we were the same as them."

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<sup>204</sup> *Reports to the General Assembly of the Church of Scotland 1973*, (Panel on Doctrine) 220-235; *Reports to the General Assembly of the Church of Scotland 1998*, (Panel on Doctrine) 11/1-11/40; *Reports to the General Assembly of the Church of Scotland 1994*, (Panel on Doctrine) 257-285; *Reports to the General Assembly of the Church of Scotland 2007*, (Working Group on Human Sexuality) sections 4.11-4.14; *Reports to the General Assembly of the Church of Scotland 2011*, (Special Commission on Same-Sex Relationships and Ordination) sections 8.7-8.16.



that there is more than one possible interpretation of the passage; and the one they themselves believe is one of those possibilities. Both attitudes are reflected on both sides of the homosexuality debate.

So, for example, among those who, like the authors of this section of the Report, believe that God is calling the Church in this generation to acceptance and affirmation of stable, committed, faithful same-sex partnerships, there are different reasons for believing that this stance is consistent with, or indeed demanded by the witness of Scripture.

Some would say that the passages most often quoted are not relevant to discussion of stable relationships between people of same sex orientation, because such concepts were unknown to the biblical authors.<sup>205</sup> Others have no hesitation in accepting that those passages which deal specifically with homosexual behaviour condemn it unequivocally,<sup>206</sup> but would argue that there is a broader, and more important, trajectory in Scripture as a whole towards inclusion and welcome.<sup>207</sup> An example often cited is the Council of Jerusalem, recorded in Acts 15, where a long and bitter dispute was concluded with the acceptance of Gentiles into the Church. As we have noted, the public ministry of Jesus was itself characterised by the

affirmation of those on the margins of society, an attitude which often resulted in condemnation by the respectable religious people of his day. Indeed he affirmed, in his answer to the duplicitous lawyer (Luke 10: 25-42) that a true understanding of the law and the prophets must be undertaken through the prism of love.

A third argument, consistent with either, but not both of the previous two, is that the written words of Scripture must be weighed against the many other ways in which God communicates with us and leads us into truth: human reason and experience; the inner conviction of the Spirit; and the living presence of Christ in the Church itself. God, who has been reaching out to make contact with human beings since the dawn of creation, did not suddenly stop having anything new to say in the late 4th Century, when the canon of the Christian Bible was fixed.<sup>208</sup> For those who hold this view, any future communication can be expected to be consistent with the essential nature of God revealed in Scripture, and supremely in Christ; but, on past form, the Church can also expect to discover that her understanding has been partial and distorted, that imbalances need to be corrected, and that some of what has been thought to be the Word of God has, in fact, been very human words based on prejudice and fear.

When the Panel on Doctrine reported in 1998, it offered some twelve guidelines for interpreting Scripture. These identified a variety of approaches to the text, which have been adopted widely by scholars and churches as they have sought to discern the Word of God.<sup>209</sup> The Report further invites the interpreter to be conscious of the presuppositions and questions he or she brings to the

<sup>205</sup> *Reports to the General Assembly of the Church of Scotland 2007*, (Working Group on Human Sexuality) 4/20-4/29 & 23/26-23/27.

<sup>206</sup> This was the view taken by members of the Special Commission. See; *Reports to the General Assembly of the Church of Scotland 2011*, (Special Commission on Same-Sex Relationships and Ordination) 23/30, most particularly with regard to the New Testament passages (23/33). Members of the Working Group on Human Sexuality also record their 'weariness' with those who 'tortuously attempt to repudiate the (scriptural) writer's clear intention to condemn behaviour as bad'. *Reports to the General Assembly of the Church of Scotland 2007*, (Working Group on Human Sexuality) 4/27.

<sup>207</sup> Section 3 of Affirmation Scotland's statement of Theological Conviction ([www.affirmationscotland.org.uk](http://www.affirmationscotland.org.uk): "What we believe") expands on this, speaking of Jesus' 'courageous hospitality'. In its resolution in favour of marriage equality, the United Church of Christ states that 'the message of the Gospel is the lens through which the whole of Scripture is to be interpreted', and says this is a message that 'always tends towards inclusion'. (Quoted in; Ellison, Marvin, & Douglas, Kelly, *Sexuality and the Sacred*, 402).

<sup>208</sup> Johnson, William Stacy, *A Time to Embrace* (Grand Rapids, MI: Wm. B. Eerdmans, 2006), 151, states that Scripture is not merely to be read backwards: 'if it is to be a living word for today, we must read it forwards through our own history... If the meaning of Scripture is limited to what ancient minds could have imagined, there is no such thing as a Word of God that is living and active (Heb. 4: 12)'.

<sup>209</sup> See the various reports in Flesseman van Leer, Ellen, (ed.), *The Bible: Its Authority and Interpretation in the Ecumenical Movement* (Geneva: WCC, 1998).

text, so that the text may speak out to the contemporary situation rather than the contemporary situation determining the meaning of the text. The interpreter is then invited to distinguish between that which is descriptive and that which is prescriptive:

Not all biblical stories describe practices that are intended to be normative for the Church today (for example, ritual sacrifice). Bring a text's intended meaning to bear on your situation today by distinguishing between the principle and the specific cultural application.<sup>210</sup>

### 6.11 Reflections on specific passages of Scripture

There are, at most eight passages in the Christian canon of Scripture which may refer explicitly to homosexual practice.<sup>211</sup> As we seek to view again – to review – these passages we do so by employing the guidelines approved by General Assembly. We shall explore those passages which have become key to the contemporary discussion of persons in same sex relationships.

The first passage, concerning the story of Lot and the destruction of Sodom,<sup>212</sup> and the lesser known but somewhat similar account of the unnamed householder in Gibeah, who gave hospitality to a travelling Levite and his concubine, contain so many anomalies that it is hard to see how they can be considered relevant to the current debate.<sup>213</sup> It is by no means clear that the 'sin of Sodom', which made it a byword for depravity in future generations was primarily to do with homosexual practice.<sup>214</sup> Ezekiel's use of Sodom to condemn the even greater wickedness of Jerusalem demonstrates that alternative explanations were already in circulation before the canon of the Hebrew Bible was closed:

As I live, says the Lord God, your sister Sodom and her daughters have not done as you and your daughters have done. This was the guilt of your sister Sodom: she and her daughters had pride, excess of food and prosperous ease, but did not aid the poor and needy. They were haughty, and did abominable things before me; therefore I removed them when I saw it.<sup>215</sup>

Some commentators have suggested that the offence which so outraged Lot (and his anonymous Gibeon counterpart) was the demand that he should betray his guests by handing them over to the mob – a breach of the sacred duty of hospitality.<sup>216</sup> As Gareth Moore notes, the story of Lot immediately follows that of the visit of the angels or messengers to Abraham and Sarah:

Just as Abraham is rewarded for his hospitality by the promise of posterity, so, we are led to understand, the cities of the plains are completely destroyed, without hope of posterity, because of their flagrant inhospitality.<sup>217</sup>

It could be argued that this was what Jesus had in mind, when he referred to the people of Sodom and Gomorrah in the context of God's punishment of those who do not welcome the Twelve on their mission.<sup>218</sup> This would explain Lot's willingness to hand over his virgin daughters in the place of his guests, although his behaviour does not reflect well upon him by modern standards of morality, and sits uneasily with the story-teller's judgement that he was, and remained a 'righteous man'.<sup>219</sup>

<sup>210</sup> *Reports to the General Assembly of the Church of Scotland 1998*, (Panel on Doctrine) 11/32.

<sup>211</sup> The exact number depends on the translation and interpretation of certain key words, as discussed below.

<sup>212</sup> Genesis 18:16-19:29.

<sup>213</sup> Judges 19.

<sup>214</sup> Deuteronomy 29: 23; Ezekiel 16: 44-58; Matthew 10: 15; Matthew 11: 23-24; Luke 10: 12; Romans 9: 29; 2 Peter 2: 6-10; Jude 7; Revelation 11: 8.

<sup>215</sup> Ezekiel 16: 48-50.

<sup>216</sup> John, Jeffrey, *Permanent, Faithful, Stable*, 10-11. See also; *Reports to the General Assembly of the Church of Scotland 2011*, (Special Commission on Same-Sex Relationships and Ordination) 23/33; *Reports to the General Assembly of the Church of Scotland 2007*, (Working Group on Human Sexuality) 4/27; and; Moore, Gareth *A Question of Truth: Christianity and Homosexuality* (London: Continuum, 2003), 70.

<sup>217</sup> Moore, Gareth, *A Question of Truth*, 70.

<sup>218</sup> Matthew 10:15; Luke 10:12

<sup>219</sup> The explanation does not fit quite so well with the story in Judges 19, where the visiting concubine is offered to the mob along with the

Even if, as seems likely, sexual immorality in all its many forms was part of the general lawlessness and depravity which caused God, in the story, to decide on Sodom's destruction, there is much in the tale to point to its mythic quality.<sup>220</sup> It was common in ancient societies (and more understandable then than when the same thing happens now) for natural disasters to be explained as punishment by an angry deity. Likewise, it is characteristic of such tales for the villains to be portrayed as utterly depraved and the heroes entirely blameless. The presence of angelic beings, Abraham's repeated bargaining with God, and the transformation of Lot's wife into a pillar of salt, are all standard elements of ancient folk tale. To identify a literary genre does not, of course, detract from the moral usefulness of the story, but it should caution against any over-literal interpretation.<sup>221</sup>

The most disturbing aspect of both stories concerns not historicity or theology, but the underlying morality, which allows young women to be offered to a violent mob intent on rape, with no hint of condemnation on the story-teller's part. This alone, quite apart from other considerations, makes it impossible to read these ancient tales as a guide to modern sexual morality.

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host's virgin daughter. This may suggest a shared literary motif, or, say something about the inferior status of women to men in ancient society.

<sup>220</sup> Two of the New Testament references cite Sodom's immorality as the reason for its destruction, but neither singles out homosexual practice for special condemnation. '[I]f he rescued Lot, a righteous man greatly distressed by the licentiousness of the lawless... then the Lord knows how to rescue the godly from trial, and to keep the unrighteous under punishment until the day of judgement – especially those who indulge their flesh in depraved lust, and who despise authority'. (2 Peter 2: 7-10) 'Likewise, Sodom and Gomorrah and the surrounding cities, which... indulged in sexual immorality and pursued unnatural lust.' (Jude 7)

<sup>221</sup> John, Jeffrey, *Permanent, Faithful, Stable*, 11, quotes the statement made by the Church of England's House of Bishops *Issues in Human Sexuality* (London: Church House Publishing, 1991): '[I]n such texts as this the situation is far too remote from our own in human terms for any ethical transfer to be made.'

The remaining six passages – two from the Old Testament and four from the New Testament – are more straightforward, and cannot easily be dismissed by those who maintain that faithful, committed, loving same-sex relationships are consistent with the teaching of Scripture. Leviticus 18: 22 states that no man is to 'lie with a male as with a woman', because 'it is an abomination'. Leviticus 20: 13 prescribes the death penalty for any who have committed such an abomination. Romans 1: 24-27 cites female and male homosexual activity not as a cause of God's anger, but as a consequence of his 'giving them over to shameful passions' because of their failure to honour him. 1 Corinthians 6: 9 includes 'sexual perverts' in a long list of wrongdoers who will not be part of God's Kingdom.<sup>222</sup> 1 Timothy 1: 10 states that the Law is good when used, as intended, against a similarly long and varied list of offenders, including 'sexual perverts'. And finally, Jude 7 makes reference to the story of Sodom and Gomorrah, identifying the people's offence as 'sexual immorality' and 'unnatural lust'.

There are different ways in which the problem posed by these texts can be addressed, and it is not the purpose of this paper to choose one over against another; only to demonstrate that people of equal intellect, faith and personal integrity may – and do – read the same passages of Scripture and come to different conclusions on their meaning as well as their applicability to the current debate.<sup>223</sup>

The first factor which needs to be taken into account is the original Scriptural context of the passage being examined. This was understood from the earliest days of the Reformation, as Martin Luther advised:

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<sup>222</sup> So Revised Standard Version. New Revised Standard Version has 'sodomites'. See later discussion of the Greek term '*arsenokoites*'.

<sup>223</sup> The General Assembly of 1998 affirmed that there are a 'variety of valid ways of interpreting Scripture, always under the guidance of the Holy Spirit'. See; *Reports to the General Assembly of the Church of Scotland 2007*, (Working Group on Human Sexuality) 4/21.

One must deal openly with the scriptures. From the very beginning the word has come to us in different ways. It is not enough simply to look and see whether this is God's word, whether God's word has said it; rather we must look and see to whom it has been spoken, whether it fits us. That makes all the difference between night and day.<sup>224</sup>

The texts from Leviticus are part of the "Holiness Code" which was concerned to reinforce everything that set Israel apart as holy to the Lord, and differentiated her people from those of the Gentile nations round about.<sup>225</sup> Male homosexual intercourse was one of many forbidden sexual practices associated with the people of Egypt and Canaan, and with pagan temple worship in particular. It is included as part of a long list of sexual and other practices, ranging from bestiality, and sex during a woman's menstrual period, to consulting mediums, eating meat with blood in it, cutting one's skin as a mark of mourning and wearing clothes of mixed fabric, which make a person ritually unclean.<sup>226</sup> No-one, it can be argued, suggests that Christians are required to observe all these prohibitions, or that the death penalty should be applied where the holiness code demands it. Jesus himself had no qualms about making himself ritually unclean when compassion moved him to touch people with leprosy or a woman with vaginal bleeding. It could be regarded as arbitrary and inconsistent to select some, but not all of the Levitical prohibitions as universally applicable.

The key issue with regard to 1 Corinthians 6: 9 and 1 Timothy 1: 10 is how to translate the two Greek words, *arsenokoites*, which appears in both passages, and *malakos*, which is

used only in 1 Corinthians. *Arsenokoites* is particularly difficult to interpret, as the word is unknown elsewhere. The component parts '*arsen*' and '*koites*', mean 'male' and 'bed' respectively, which is why it has been assumed to refer to sexual intercourse between men. Some of the English translations – for example, 'sodomites' (NRSV) – fail to reflect the ambiguity of the term.<sup>227</sup> One suggestion is that the condemnation applies to the Roman practice of an older man keeping a younger boy for sexual purposes; another is that it refers to men who exploit other people by means of sex.<sup>228</sup> The word '*malakos*' means 'soft', and is used elsewhere to denote effeminacy. It is usually taken in the New Testament context to refer to the passive partner in a male homosexual relationship, but again other suggestions have been made: that it refers to young male prostitutes or even simply those who enjoy decadent living.<sup>229</sup> Whatever the validity of these alternative translations, the nature of the other terms in these two lists of offenders, those who have no place in God's kingdom, must be taken into account. Can we honestly put loving, faithful, committed same-sex partners, one or both of whom may have responded to a call to Christian ministry, in the same category as 'idolaters, adulterers, thieves, drunkards, murderers, slave traders and perjurers'?

Jude 7 refers back to the story of Sodom and Gomorrah, and is the only place outside Genesis where the sins of these towns are specifically identified as sexual in nature. They are accused of 'sexual immorality' or fornication

<sup>224</sup> Martin Luther, "How Christians should regard Moses" in; Lull, Timothy (ed), *Martin Luther's Basic Theological Writings* (Philadelphia, PA: Fortress Press, 1989), 145.

<sup>225</sup> From Leviticus 19:2: 'You shall be holy, for I, the Lord your God, am holy.'

<sup>226</sup> Rogers, Jack, *Jesus, the Bible and Homosexuality: Explode the Myths; Heal the Church* (Louisville, KY: Westminster/John Knox Press, 2009), 69, points out that the Hebrew word, *toevah*, translated as 'abomination' refers here to something that makes a person ritually unclean.

<sup>227</sup> This is an extremely rare word. According to Paul Germond, "Heterosexism, Homosexuality and the Bible", in; Germond, Paul, & de Gruchy, Steve (eds), *Aliens in the Household of God*, 224, the few occurrences outside the New Testament do not expressly convey such a meaning; in Classical and Patristic discussions of homosexuality, the word never appears; the homosexual interpretation of the word seems to date from the 13th century.

<sup>228</sup> See; Paula Gooder, "Sexuality in the New Testament", in; Groves, Philip (ed.), *The Anglican Communion and Homosexuality: a resource to enable listening and dialogue* (London, SPCK, 2008), 143. See also; Rogers, Jack, *Jesus, the Bible and Homosexuality*, 70.

<sup>229</sup> Paula Gooder, "Sexuality in the New Testament", in; Groves, Philip (ed.), *The Anglican Communion and Homosexuality: a resource to enable listening and dialogue*, 143.

(*ekporneusasai*) and 'perversion' or 'unnatural lust', literally 'going after other flesh'. What makes this complicated is the presence of angels, both in Jude and in the original story. Jude's real concern is with the false teachers who have infiltrated the Church community, but he emphasises God's condemnation of them by citing those angels who did not keep to their own place in heaven, and the men of Sodom who expressed 'unnatural lust' for Lot's male, angelic visitors.<sup>230</sup> What is not entirely clear is whether their lust was 'unnatural' because the visitors were male, or because they were angels, or both.<sup>231</sup>

It is generally agreed that Romans 1: 26-27 is the clearest and most significant of the Biblical references to homosexual practice.<sup>232</sup> It is certainly the only place where any sort of theological argument is given, though the primary object of Paul's condemnation is Gentile idolatry and not homosexual behaviour, which is just one example of the depths to which men and women can sink when they have rejected God, and God has abandoned them to their own basest instincts. It is not the 'unnatural' sexual activities themselves which cause God's anger; rather they, along with all the other examples of wickedness and disordered passion, are evidence of God's wrath already at work in the world. Nevertheless, most commentators agree that these verses do refer to homosexual – including lesbian – activity, which is seen as contrary to God's will for human beings. Other suggestions have been made by serious scholars: namely, that what Paul is condemning here is not homosexual behaviour *per se*, but the kind of practice that went on in Gentile temple worship; or anal intercourse between women and men, or women taking the active role in sex and thus transgressing gender role boundaries.<sup>233</sup> These remain minority views.

<sup>230</sup> Presumably the heavenly beings in Genesis 6, who had sex with human women and produced giant offspring.

<sup>231</sup> Paula Gooder, "Sexuality in the New Testament", in; Groves, Philip (ed.), *The Anglican Communion and Homosexuality: a resource to enable listening and dialogue*, 148, and; Rogers, Jack, *Jesus the Bible and Homosexuality*, 72.

<sup>232</sup> *Reports to the General Assembly of the Church of Scotland 2011*, (Special Commission on Same-Sex Relationships and Ordination) 23/33.

<sup>233</sup> Paula Gooder, "Sexuality in the New Testament", in; Groves, Philip

Despite all these various considerations – some more widely accepted, some more controversial than others – the majority view among scholars is that most, if not all, of the Biblical texts which mention homosexual practice are against it.<sup>234</sup> However, that is not the end of the discussion, because the context of 21st Century knowledge and understanding must also be brought to bear.

It has persuasively been argued that the Biblical authors had no concept of innate homosexual orientation, something which is now accepted by most people across the spectrum of opinion in the current Church of Scotland debate.<sup>235</sup> The Report of the Special Commission raises the pertinent question:

What would Paul, with his understanding of the redemptive work of God, have thought if he had the knowledge of science which is now available to the Church and if he had encountered and heard the voice of homosexual Christians?<sup>236</sup>

This question is of particular relevance to the key passage in Romans 1: 18ff. The primary sin here is idolatry, but just as Gentiles have wilfully ignored God's self-revelation in nature and chosen to worship idols, Paul argues, so

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(ed.), *The Anglican Communion and Homosexuality: a resource to enable listening and dialogue*, 145, and; Rogers, Jack, *Jesus, the Bible and Homosexuality*, 75.

<sup>234</sup> This is emphasised by Paula Gooder, "Sexuality in the New Testament", in; Groves, Philip (ed.), *The Anglican Communion and Homosexuality: a resource to enable listening and dialogue*, 150. It is also accepted in both; *Reports to the General Assembly of the Church of Scotland 2007*, (Working Group on Human Sexuality), and; *Reports to the General Assembly of the Church of Scotland 2011*, (Special Commission on Same-Sex Relationships and Ordination).

<sup>235</sup> The 2007 report (*Reports to the General Assembly of the Church of Scotland 2007*, (Working Group on Human Sexuality) 4/15-4/16, section 4.7.2/4.7.7) is less definite on this than the 2011 report (*Reports to the General Assembly of the Church of Scotland 2011*, (Special Commission on Same-Sex Relationships and Ordination) 23/28, which states: 'We were united in the view that a homosexual orientation was not a matter of sin and was not a bar to ordination.'

<sup>236</sup> *Reports to the General Assembly of the Church of Scotland 2011*, (Special Commission on Same-Sex Relationships and Ordination) 23/33.

women and men have wilfully chosen to go against nature by indulging in homosexual activity. His argument loses much of its force if same-sex attraction is, in fact, 'natural', whether to the individual as part of fallen humanity or as part of the God-given diversity of creation. And again, it has to be asked whether faithful, committed, same-sex Christian couples can legitimately be compared to the people whom Paul describes as:

[F]illed with every kind of wickedness, evil, covetousness, malice. Full of envy, murder, strife, deceit, craftiness, they are gossips, slanderers, God-haters, insolent, haughty, boastful, inventors of evil, rebellious towards parents, foolish, faithless, heartless, ruthless.<sup>237</sup>

That was certainly not the impression given by those people who were brave enough to meet with members of the Special Commission, and tell their stories in a way that moved their hearers and caused them, whatever their theological differences, to come to a unanimous view 'on the importance of the Church's duty to welcome and provide pastoral care to homosexual Christians and seekers after God.<sup>238</sup> Had Paul been witness to such testimony, it is at least arguable that his response might have been similar to the Jewish Christians' astonished realisation that God's Spirit – not for the first time – was unmistakably at work in the unlikeliest of people and places.<sup>239</sup>

<sup>237</sup> Romans 1: 29-31. Steve Chalke, *A Matter of Integrity: The Church, Sexuality, Inclusion and an Open Conversation*: <http://www.oasisuk.org/article.aspx?menuld=31887>, makes precisely the same point: 'Even the most superficial reading of this list of characteristics demonstrates that they just do not describe homosexual Christians nor, for that matter, the vast majority of other gay and lesbian people seeking to live within a faithful, monogamous, life-long intentioned relationship. Thus, their situation simply cannot be what Paul had in mind.'

<sup>238</sup> *Reports to the General Assembly of the Church of Scotland 2011*, (Special Commission on Same-Sex Relationships and Ordination) 23/20.

<sup>239</sup> Acts 10: 44-48: 'The circumcised believers who had come with Peter were astounded that the gift of the Holy Spirit had been poured out even on the Gentiles... Then Peter said, "Can anyone withhold the water for baptising these people who have received the Holy Spirit just as we have?"'

## 6.12 The Threefold Nature of the Word

The mention of Gentile Christians, and the radical move within the early Church towards unconditional acceptance of Gentile believers, leads on to another factor that needs to be taken into account when considering what the Word of God has to say about homosexual practice. The Panel on Doctrine in 1993 outlined the threefold nature of the Word of God in Reformation Doctrine:

The Word of God is always one and the same. But it has different forms... the Word made flesh, the written Word, and the proclaimed Word.<sup>240</sup>

Jesus Christ, the incarnate Word of God, is encountered through Scripture, but also in the Church, through preaching, and through the continued guidance and direction of the Holy Spirit whom he promised would continue teaching his followers after his death and help them to make sense of what was currently too difficult for them to understand and too much for them to bear.<sup>241</sup>

It is possible to look at these three manifestations of God's Word, and see a trajectory towards ever-widening inclusion and acceptance.<sup>242</sup> God's interest in, and concern for the Gentile nations is evident already in the Old Testament, it is a recurrent strain in the Gospels and by the time of the events recorded in the Book of Acts it has become an unstoppable flood. Jesus of Nazareth, sometimes against his first instinctive response,<sup>243</sup> but much more often in full knowledge of what he was doing and how others would react, kept pushing

<sup>240</sup> *Reports to the General Assembly of the Church of Scotland 1973*, (Panel on Doctrine), 220-235; "Reformation Doctrine of the Word of God".

<sup>241</sup> John 14: 25-26; 15: 26; 16: 12-13.

<sup>242</sup> See; Johnston, William Stacy, *A Time to Embrace*, 73: 'Advocates of gay legitimisation see the drama of creation, reconciliation and redemption as a story of ever-widening grace. Given that God has reached out to all of us in grace, by what authority do we withhold that grace and acceptance for others?'

<sup>243</sup> Matthew 15: 26 & Mark 7:28; when Jesus quotes a proverb about not giving children's food to the dogs in order to rebuff a Canaanite woman, then changes his mind when he sees the extent of her faith.

back boundaries and reversing even his closest friends' assumptions about who was, and was not welcome in his kingdom. And the work of the Spirit in the Church has been, slowly – sometimes extremely slowly – but surely, to break down barriers that should never have been allowed to exist within the community of faith. It has often only been with hindsight that Christians have realised how wrong they were to read their own prejudices into the words of Scripture, however sincerely it was done at the time.<sup>244</sup> Slavery, apartheid and the exclusion of women from ministry have all been justified in different times and cultures with the same fervour and with very similar sorts of argument as those used now to prevent people in same-sex relationships from taking a full and equal place in the ministry of the Church of Scotland.

In terms of the Church's formal understanding of the Doctrine of Scripture, as articulated in its most recent Reports, many positions on the painful issue of same-sex relationships and ordination must be legitimate ones to hold within our Church's sphere of debate upon it.

In years to come, with the benefit of hindsight, it may be obvious to everyone what God was saying loudly and clearly to twenty-first century Christians whose spiritual ears were not tuned in to hear. And we share Paul's hope in a different sort of reality where all will be made clear; where we shall know fully even as we are fully known. For now, however, the glass is misty and contradictions remain. Our task is to continue tackling these difficult issues with all the integrity and humility we can muster, in full communion and co-operation with those whose conclusions may differ from our own but whose integrity is not in question and whose voice may even turn out to be God's Word for us.

Frustrating as it is to see endless committees going over the same ground year after year without coming to a firm conclusion, and essential as it will be very soon to reach

a decision, not least for the sake of those whose personal integrity, family life, vocation and livelihood are at stake, there may yet be wisdom for us in Gamaliel's advice (Acts 5: 39) to 'wait and see', trusting that if this new thing is of God it will last, and if not it will cease to be an issue. And in the meantime, everyone participating in this debate and contributing to the Church's future decisions can rejoice in belonging as surely within the Body of Christ as the friend who deeply disagrees with them.

### 6.13 Conclusion

The Church has an opportunity, and we believe a responsibility, to speak a united word of affirmation to gay and lesbian ministers, an affirmation that includes the most important aspects of their living and their loving. One expression of love – dominant in some relationships, incidental in others and absent in still others – remains in contention between sincere protagonists in the debate. The Church has been well served by ministers, elders and deacons who are gay or lesbian. In response to the call of God which has been addressed to them, and affirmed by the Church and by congregations through normal processes of discernment, they have served Church and community with just the same enthusiasm and passion for the Gospel as have other people exercising these ministries and offices. Their wisdom and experience has benefited the Church, and should continue to do so. For those who are in a committed, faithful same sex relationship, sharing a mutuality of giving and receiving, we would argue that such relationships should be recognised when a civil partnership has been entered.

Not everyone will agree with this stance, of course, but we wish to hold two principles in tension: it should be affirmed to those on one side of the discussion that the body of our Church's doctrine has room for their beliefs; while those on the other side must be assured of the protection of their liberty of opinion. That will bring us back where we started, to the godly relationships expected of us all, and the love that thinks always of the other's good.

<sup>244</sup> Rogers, Jack, *Jesus, the Bible and Homosexuality*, 17-34, makes much of this line of argument, in his second section, entitled 'A pattern of misusing the Bible to justify oppression'.

In an ideal, or at least a different, world from this one, the Theological Commission might have been able to present a unified report offering the Church of Scotland clear answers to the urgent theological, practical and pastoral questions which we were charged with addressing in the areas of same-sex relationships, civil partnerships and marriage, ordination and ministry, and the deeper, underlying issues of Scriptural authority, Biblical interpretation and the implications of being part of 'One Holy Catholic and Apostolic Church'. However, in that ideal, or different, world, there would have been no need for a Theological Commission to be appointed in the first place: had the questions even been raised, the answers would be clear and uncontentious.

In this world, which God created and has never stopped loving, matters are more complex. Human beings made in God's image are not just male or female, gay or straight. Some would describe themselves as bisexual; others would contend that we are all placed somewhere on a continuum between exclusively heterosexual and exclusively homosexual orientation.

Within the Church of Scotland, and within the 'One Holy Catholic and Apostolic Church' of which we are a part, it is simply not the case that those who accept the authority of Scripture are unanimously opposed to loving, faithful, same-sex sexual relationships, while those who wish to affirm such relationships do so in defiance of clear Biblical teaching. The detailed Biblical and theological arguments which underpin all sections of this Report demonstrate, if nothing else, that well-informed, committed Christian people, of equal intelligence and integrity, approaching the same texts with the same desire to discern God's will through the guidance of God's Spirit, may come to conclusions which are diametrically opposed to one another.

What the Report may not reflect so clearly is the wide range of opinion, conviction and uncertainty between the two positions characterised as "Traditionalist and "Revisionist". There are 'evangelical' Christians, with a very 'traditional' approach to Biblical authority, who regard the affirmation

of permanent, monogamous homosexual relationships as part of the Biblical imperative to love one another as we are loved by God. Equally, there are Christians of a broadly 'liberal' persuasion, who are opposed to, or uncomfortable with, same-sex relationships for personal and sociological reasons. There are many who are uncertain, torn between 'head' and 'heart'; others who, while holding to one view or the other, regard other issues, such as the alleviation of poverty, or the struggle for justice, as infinitely more important. And there are more still, on all sides of this contentious issue, who grieve for the hurt caused to persons made in the image of God, and for the harm done to the Church's witness in the world, by the protracted, and at times bitter, debate within the Church on issues of human sexuality.

The Theological Commission has been unable to come to a united conclusion on this matter. It would have been unrealistic to expect otherwise. The question then becomes one of how far it is possible to live with a profound difference of opinion on issues of human sexuality, when that difference has exposed a deep-seated division within the 'One Holy Catholic and Apostolic Church'. Those who have argued the Traditionalist case want the Church to accept that their reading of Scripture is the only admissible one, and insist that issues of human sexuality are to be determined by appeal to Biblical exegesis alone. Those who have put forward the Revisionist case, while equally convinced of the validity of their argument, and its Scriptural foundation, wish to allow for the profound complexity of the experience of each person made in the image of God and to affirm that in that very complexity the image is revealed more fully.

In other words, while the supporters of the Traditionalist viewpoint wish the whole Church to be required to adopt their position, and while there is a logic to that stance, those of us who share the Revisionist approach have fashioned the alternative as one that owes more to the principles of liberty of opinion and diversity of view than to a demand for universal acceptance of our arguments or our conclusions. Our hope is that our proposed practical



solution commends itself to people who take different views on the controversial issue that was before us.

Clumsy as the title may be, the 'Revisionists' have no qualms about being so designated: to 're-vision' the unchanging truths and valued traditions of the Christian faith is, we believe, an essential part of the Church's calling in every generation. As Reformed Christians within the 'One Holy Catholic and Apostolic Church,' we affirm the fundamental role of the Scriptures of Old and New Testament in revealing the nature of God, recording the spiritual journey of God's people, and mediating to us by the Spirit the presence of the risen Lord Jesus Christ, the Word incarnate. However, we also recognise the importance of reading the Scriptures in context: specific passages in the context of the Biblical story as a whole; each passage in its literary and historical context; and all of it in the context of contemporary knowledge and understanding and the present leading of God's Spirit.

It is our contention that everyone who reads the Scriptures of the Old and New Testaments does so through some hermeneutical lens, or indeed a complex set of lenses, and that this is dangerous only if unacknowledged. Our chosen lens, with good historical and Scriptural precedent, is the lens of love, understood not in some weak, sentimental way, but as part of the essential nature of God, the Divine Trinity. Human beings, we believe, were created, in God's own image, in such a way that we become most fully ourselves in loving relationship with God and with each other. Our reading of Scripture, taken as a whole, leads us to affirm the primacy of relationships, both within the Godhead, and in our moral evaluation of human behaviour. In the area of sexuality, relational qualities of mutuality, trust, respect, faithfulness, commitment and forgiveness matter far more than whether or not genital activity has taken place.

We are in full agreement with our Traditionalist colleagues that God's love is inseparable from God's justice, but whereas they see justice in terms of divine condemnation of sinful behaviour, we focus on God's bias to the poor,

the inclusion of the marginalised, the overturning of structures of oppression and the special judgement reserved for those who are so busy worrying about the speck in their sister or brother's eye that they fail to notice the plank in their own. There is also an important issue of justice with regard to the imposition of celibacy on some, but not upon all, of those called to ministry in the Church.

God speaks to us powerfully in the ancient texts of the Scriptures of the Old and New Testaments, but God's Word is not confined to the pages of Scripture, however sacred. In its three dimensions – incarnate, written and proclaimed – the Word of God seems to us to have been leading God's people over the centuries on a journey through ever-increasing circles of inclusion and acceptance. The trajectory chosen by the General Assembly of 2011 for the Church of Scotland to pursue may be seen as the next stage in that journey of grace.

It will be up to the General Assembly in 2013 to decide whether God is calling the Church of Scotland to stand still until this contentious issue is brought before it again, as it surely will be, or to continue along the trajectory, which has been emerging and gaining acceptance over recent decades, towards a Church that is genuinely inclusive and welcoming of all human beings made, in their glorious diversity, in the image of God, the Divine Trinity.

Ultimately, any individual's view on this issue will be influenced by their approach to the authority and interpretation of the Bible, their understanding of the ability of the Church to reform its practice and law in this contentious area, and their view of the extent to which it is possible to allow liberty of opinion on these matters. Reading what our Traditionalist colleagues have written, listening to their passionate articulation of it throughout the lifetime of the Commission's work, examining those views against the perspective of recent Reports to the General Assembly on the Church's use of the Bible, and above all taking into account the gifts, callings and existing ministries of gay Christians in the Church, the Commission members who have prepared this section of

the Report are satisfied that the case for moving along the trajectory outlined by the General Assembly of 2011 has been made and that our proposals are consistent with the constitutional standards of the Church.

All members of the Theological Commission share a deep concern for the unity and peace of the Church. Whatever the eventual outcome of the debate, it is our hope and prayer that the manner in which it is conducted and the Church's response to its conclusions will reflect well on the one whose most fervent prayer for us was, 'that they may be completely one', not for our own sake, but 'so that the world may know that you have sent me and have loved them even as you have loved me'. (John 17: 23)

#### **6.14 Liturgy for Recognition and Blessing of a Civil Partnership**

##### **6.14.1 Remit from the General Assembly of 2011**

The wording of our remit with regard to the recommendation of liturgy was somewhat ambiguous, and so we begin by outlining our understanding of the task entrusted to us, before proceeding to our response.

It should be noted, for the avoidance of doubt, that those members of the Theological Commission who believe homosexual relationships to be contrary to the Word of God have had no part in this discussion as they could not, in good conscience, accept the premise that the Church, or any members of it, even on a voluntary basis, would be allowed to bless something that they believe to be sinful.

The relevant section of our remit from the General Assembly reads as follows:

An examination of whether, if the Church were to allow its ministers freedom of conscience in deciding whether to bless same-sex relationships involving life-long commitments, the recognition of such life-long relationships should take the form of a blessing of a civil partnership or should involve a liturgy to recognise and celebrate commitment which the parties enter into in a church service in addition to

the civil partnership, and if so to recommend liturgy therefor.<sup>245</sup>

Discussion of the nature of any church service and recommendation of appropriate liturgy is based on a two-fold premise:

- a) the Church allows ministers to bless same-sex relationships involving life-long commitments
- b) ministers have freedom of conscience whether or not to do this

The question which then needs to be addressed is whether this (voluntary) recognition of life-long, committed same-sex relationships should take the form of:

- a) a civil partnership followed by a religious blessing, or
- b) a civil partnership plus a Church service in which a life-long commitment is 'entered', as well as being 'recognised and celebrated'

On a literal reading of the remit, it is only if the second option is chosen that a liturgy is required. We have assumed, however, that it would be helpful to suggest a form of service for each option, or, indeed, for the slightly different approach which we will propose.

Our problems with the two options suggested arise from the legal differences between civil partnership and marriage, which are discussed in more detail below.

We wish, therefore, to suggest a third way: registration of a civil partnership followed by a Service of Recognition and Blessing. This would be a religious service making explicit what was implicit in the couple's decision to enter into a civil partnership; marking and celebrating the commitment they have already made and asking God's blessing on them in their life together.

For the sake of equity, since a civil marriage is acceptable for heterosexual ministers with or without a religious blessing, the religious service would not be compulsory

<sup>245</sup> *Reports to the General Assembly of the Church of Scotland 2011 II, 24-25.*

for those in a civil partnership seeking ordination, but it is to be hoped that most would be pleased to take advantage of this opportunity to affirm their commitment and seek God's blessing in a service of worship.

#### 6.14.2 Nature and Scope of a Service of Recognition and Blessing

From the results of the consultation process undertaken by the Special Commission, it is clear that for those respondents who were open to the possibility of people in a same-sex relationship being accepted for ordination, the existence of a civil partnership was a significant factor in determining their response. This is presumably because the civil partnership was taken as an indicator of stability, fidelity and commitment in the relationship. There may also, however, have been an assumption of equivalence between civil partnership and civil marriage, and so it is important to be aware of the similarities and the differences between the two.<sup>246</sup>

A civil partnership does have many features in common with marriage. It is legally binding, and confers similar rights and carries similar responsibilities in areas such as tax, pensions, benefits, inheritance, housing, employment and care of children. It can be entered only by people who are not already married or in a civil partnership, and can be dissolved only through a court action. Rules about age, consanguinity and affinity apply to civil partnerships, as they do to marriage.<sup>247</sup>

There are also some significant differences, and these impact on the type of religious service we would wish to offer to same-sex couples who have registered their civil partnership according to the law of the land.

In the first place, registration of a civil partnership is a purely secular matter, and there is no religious equivalent, as there is for marriage. Ministers are not authorised to register civil partnerships, and registration may not take place as part of a religious ceremony or in a venue normally used as a place of worship. If a ceremony is held to accompany the registration, this must not include religious words or prayers.<sup>248</sup> There is therefore a clear role for a Service of Recognition and Blessing to provide the spiritual element which would otherwise be lacking and which would be important for Christian couples who believe that God is intimately involved with them at this crucial juncture in their lives, and who wish to affirm their commitment to each other and to their shared journey of Christian discipleship in the context of worship.

Secondly, all that is legally required for a civil partnership to be registered, once appropriate application has been made, is for the couple to check the details on the form and to sign it. They do not have to make any declaration of fidelity or lifelong commitment, and although Registrars may offer a ceremony to mark the start of the Partnership, this varies in content from region to region, and, as a non-statutory element, is not compulsory.

It is stated in the guidance notes issued to registrars that civil partnerships are intended to be 'stable, long-term relationships, which will be recognised by law and acknowledged by society', but a Service of Recognition and Blessing would enable this implicit understanding to be made explicit, whilst allowing Christian partners to affirm the covenant nature of their relationship, and their commitment to Biblical principles of fidelity and self-giving love, modelled on God's love for us in Christ, and made possible by the presence of God's Spirit in our lives.<sup>249</sup>

<sup>246</sup> It was not part of the Theological Commission's remit to consider the question of whether a same-sex relationship may be regarded as 'marriage'. If the Civil Law changes in this respect, it may be an issue to which the Church has to return in future.

<sup>247</sup> "Registering a Civil Partnership in Scotland" (RCP1): <http://www.gro-scotland.gov.uk/regscot/registering-a-civil-partnership-in-scotland.html> See also; Equality Network, "Civil Partnership in Scotland" (Edinburgh: Equality Network, 2005).

<sup>248</sup> "Civil Partnerships" (T10) (Edinburgh, General Register Office for Scotland, December 2006): 'Registrars may wish to invite the couple to add readings etc. to a basic ceremony, but the couple should be reminded that the words must be appropriate, secular and seemly.'

<sup>249</sup> "Civil Partnerships" (T10).

### 6.14.3 Suggested Order of Service

Worship resources for blessing same-sex relationships and civil partnerships are widely available from other denominations and organisations, and the worship leader is free to avail him/herself of elements of these, or to create new forms of words, so long as the service meets the criteria set out above.<sup>250</sup> There should be nothing in the service to suggest that any commitment is being created or any status conferred further to the civil partnership itself.

The Service of Recognition and Blessing may take place during public worship on a Sunday, or on a separate occasion. The two essential elements which must be included are: (1) a statement about the nature of a civil partnership and its implications for Christian partners; (2) an affirmation by the couple of their intention that the partnership should be lifelong, faithful and exclusive.

(i) **Scripture Sentence(s), such as the following:**

O give thanks to the Lord, for he is good.  
His steadfast love endures for ever. Psalm 107: 1

This is the day that the Lord has made;  
let us rejoice and be glad in it! Psalm 118: 24

Unless the Lord builds the house,  
they labour in vain that build it.

<sup>250</sup> See; Cherry, Kitteredger, & Sherwood, Zalmon (ed's), *Equal Rites: Lesbian and Gay Worship, Ceremonies and Celebrations* (Louisville, KY: Westminster/John Knox Press, 1995); Cotter, Jim, *Quiverful*, (Aberdaron: Cairns Publications, 1999); Cotter, Jim, *The Service of My Love: The Celebration and Blessing of Civil Partnerships* (Aberdaron: Cairns Publications, 2009); Heppenstall, Annie, *The Blessed Path: a Wedding/Partnership Ceremony* (Glasgow: Wild Goose Publications, 2012); Marshall, Paul V. *Same Sex Unions: Stories and Rites* (New York, NY: Church Publishing Inc., 2005); Episcopal Church (USA) Standing Commission on Liturgy and Music, *I Will Bless You and You Will Be a Blessing: Resources for the Witnessing and Blessing of a Lifelong Covenant in a Same-Sex Relationship* (New York, NY: Church Publishing Inc., 2013), and; Uniting Network Australia, *Sacred Union Ceremony* (Enmore, NSW: UNA, 2010): [www.unitingnetworkaustralia.org.au](http://www.unitingnetworkaustralia.org.au). See also; Affirmation Scotland ([www.affirmationscotland.org.uk](http://www.affirmationscotland.org.uk)); Changing Attitude ([www.changingattitude.org.uk](http://www.changingattitude.org.uk)); and; Oasis UK ([www.oasisuk.org/InclusionResources](http://www.oasisuk.org/InclusionResources)).

Our help is in the name of the Lord  
who made heaven and earth. Psalm 127: 1

Many waters cannot quench love,  
neither can floods drown it. Song of Solomon 8: 7

Jesus said, "This is my commandment:  
love one another as I have loved you." John 13: 34

As the Father has loved me, so I have loved you.  
Remain in my love. John 15: 9

Dear friends, let us love one another,  
because love comes from God. 1 John 4: 7

This is what love is about: not that we have loved God,  
but that he loved us, and sent his Son to be the means  
by which our sins are forgiven. 1 John 4: 10

God is love, and those who live in love live in God  
and God lives in them. 1 John 4: 16

We love because God first loved us. 1 John 4: 19

Three things endure: faith, hope and love;  
and the greatest of these is love. 1 Corinthians 13: 13

(ii) **Call to Worship**

Grace and peace to you from God our Father and the  
Lord Jesus Christ.

Let us worship God.

(iii) **Hymn**

(iv) **Statement about Civil Partnership**

We have come together in the presence of God to  
celebrate the commitment  
made by N..... and N..... when they entered a civil  
partnership.

We come to share their joy, and to promise them our  
love and our support.

We come to ask God's blessing on them and on their  
life together.

We come to claim the blessing that is ours through  
them.

N..... and N..... have entered into a civil partnership according to the law of the land.

They have done so because of their love for and loyalty to each other.

Now, in faith, they come before God and this gathering of God's people

to affirm their commitment to lifelong fidelity and self-giving love,

rooted in God's love for us, made known to us in Jesus Christ our Lord.

We love, because God first loved us.

N..... and N....., the civil partnership into which you have entered

is a legally binding agreement.

It is also a solemn covenant, which you have chosen to affirm here

in the presence of God and before your family and friends.

By it, you have promised to love, respect and cherish one another,

to support one another in good times and in bad,

in poverty and in wealth, in sickness and in health,

and to remain faithful to each other for the rest of your lives,

letting nothing short of death come between you.

**(v) Affirmation by Family and Friends** (*all stand*)

Will you, the family and friends of N.... and N.....,

gathered here to celebrate with them today,

continue to uphold and support them in their life together?

WE WILL, WITH THE HELP OF GOD

OR

Will all of you, by God's grace,

do everything in your power to uphold and care for

N..... and N.....

as they proclaim their love and affirm their commitment to each other?

WE WILL, WITH THE HELP OF GOD

**(vi) Prayer of Approach**

Gracious God, we thank you for all the gifts of your love, and for the many ways in which human loving can be expressed and find fulfilment, in relationships of commitment and trust. We praise you for your guidance in the lives of N.... and N....., for the joy they have found in each other, and for the love and trust they bring to the happiness of this day. And since we know that without you nothing is strong, nothing is holy, we pray that you will enrich them with your grace as they re-affirm their commitment to each other and to your way of love. Grant that your joy may be in them, and that their joy may be full, through Jesus Christ our Lord. Amen.

OR

Gracious God, we give you thanks and praise for all your gifts of goodness and grace. We praise you for your gift of love, binding us together in families and friendships, churches and communities, enriching our lives, enfolding us all our days. Especially we thank you for the love which has grown and flourished between N..... and N....., and for the trust that has led them here to reaffirm their commitment to the faithful, lifelong partnership into which they have entered. May your Spirit of love sanctify their joy and deepen their love. Guide them by your grace, surround them with your presence, and keep them in your love, through Jesus Christ our Lord. Amen.

OR

Loving God, without your grace no promise is sure. Strengthen N..... and N..... by the gift of your Holy Spirit as they seek your blessing on their partnership and on their life together. Grant them grace to keep the promises they have made, and strength to remain faithful always to each other and to you. Fill them with your joy, and guide them by your Word to follow you all the days of their life together; through Jesus Christ our Lord. Amen.

**(vii) Affirmation by the Couple, who face each other with right hands joined**

In the presence of God, and before these witnesses,  
I, N....., affirm my love for you, N.....,  
and my commitment to our partnership.  
I promise to love and respect you, to be faithful and loyal to you,  
for as long as we live.

OR

I, N....., affirm my love for you N.....,  
and my commitment to our partnership.  
In the presence of God, and before these witnesses,  
I promise to be a loving, faithful and loyal partner to you  
as long as we both shall live.

OR

Before God, and in the presence of our families and friends,  
I N....., declare my love for you, N.....,  
and I affirm my commitment to you as my life partner.  
I promise you my love, my loyalty and my trust  
for as long as we both shall live.

OR

In the presence of God and before these witnesses,  
I, N....., affirm my commitment to you, N.....,  
as your life partner.  
All that I am I give you, and all that I have I share with you.  
Whatever the future holds, I will love you and be faithful to you,  
as long as we both shall live.

**(viii) Symbolic Action, such as the exchange of rings or the lighting of a candle. If rings are being exchanged, the minister may introduce this as follows:**

As a token of the covenant which you have entered,  
and here affirmed,  
rings will be given and received.

OR

May these rings be a symbol of unending love and faithfulness,  
to remind you of the covenant into which you have entered.

*A prayer, such as the following, may be said:*

God of steadfast love, by your blessing may these rings be to N..... and N..... a symbol of their love for each other and the covenant into which they have entered. May they remain faithful to each other always in unbroken love. Amen.

OR

Bless these rings, O Lord, that they may be to N..... and N..... a symbol of everlasting love. As they give them, and as they wear them, may they abide in your peace, continue in your favour, live and grow old together in your love. Amen.

*The couple may choose to use words such as these as each ring is given:*

N....., I give you this ring as a sign of all that we have promised and all that we shall share.

OR

N....., as a symbol of this covenant and of our life together, I give you this ring.

**(ix) Blessing of the Couple (who may kneel)**

N..... and N....., may God's richest blessing be upon you both.

May God give you joy in your life together  
and grace to keep the promises you have made.

OR

N..... and N....., may the riches of God's grace be upon you,  
that you may continue together in faith and love  
and receive the blessings of eternal life.

The Lord bless you and keep you;  
the Lord make his face to shine upon you and be gracious unto you.

The Lord lift up his countenance upon you and give you peace.

OR

May the Lord bless you and guard you;  
may the Lord make his face shine on you and be gracious to you;  
may the Lord look kindly on you and give you peace.

**(x) Scripture Readings***Suitable passages might include:*

Ruth 1: 14-18	Ruth's pledge to Naomi
1 Samuel 18: 1-4	Jonathan's covenant with David
1 Samuel 20: 16-17, 41-42	David and Jonathan's parting
Psalms 100	God's love and faithfulness
Psalms 121	God our protector
Psalms 127: 1-2	God's protection and provision
Psalms 133	Living together in unity
Ecclesiastes 4: 9-12	Strength in partnership
Song of Songs 8: 6-7	The power of love
Jeremiah 31: 31-34	God's new covenant
Matthew 5: 1-12	The beatitudes
Matthew 5: 14-16	Light for the world
Matthew 7: 21, 24-29	Building on firm foundations
Matthew 10: 37-39	Discipleship above family
Mark 12: 28-34	The greatest commandment
Luke 6: 20-26	The beatitudes
Luke 6: 27-38	Love for enemies
John 13: 31-35	A new commandment
John 15: 1-8	Vine and branches
John 15: 9-17	Love one another
Romans 8: 28-39	God's love in Christ
Romans 12: 1-2, 9-21	Let love be genuine
1 Corinthians 13: 1-1	About love
Galatians 5: 13-14, 22-26	The fruit of the spirit
Ephesians 3: 14-21	To know the love of Christ
Ephesians 4: 25-32	A new way of living
Philippians 1: 9-11	Prayer for love to grow
Philippians 2: 1-11	Christ's humility and greatness
Philippians 4: 4-9	Rejoice in the Lord always
Colossians 3: 1-4, 12-17	Clothe yourselves with love
1 John 4: 7-21	God is love

**(xi) Address****(xii) Prayers of Thanksgiving & Intercession**

Almighty God, we thank you for all the many ways in which love comes into our lives, and for the opportunities for joy and fulfilment that covenanted partnership brings. Bless N..... and N..... who have freely entered into partnership together, and have here affirmed their love and their commitment to each other. Confirm them in their happiness; keep them faithful and true to each other, ready always to forgive and be forgiven. As they grow together in love, may each be to the other a companion in joy, a comfort in sorrow, and a strength in need. May your presence in their home make it a place of welcome and sharing, of security and peace. Bless their families and friends, who have given them love and friendship through the years, and who have promised their continuing support in the years ahead. We pray for your whole human family, and for those who suffer while we rejoice. Bring near the day when all people will live in peace and in the knowledge of your love. Eternal God, we remember those who were close to us, who have passed through death into life everlasting. Bring us with them at the last to the Father's house, the family of God complete in the glory of your presence; through Jesus Christ our Lord. Amen.

OR

Gracious God, for the promise, for the hope, for the joy of this day, we praise you. Bless N..... and N..... with the strength of your Spirit, that they may build a life of peace and fulfilment on the foundations of commitment and love.

May they be sustained by the love and support that surround them here.

May they always remain open-hearted, courageous and strong.

Give them generosity of spirit, understanding of each other, warm and loyal friendship.

Grant that they may go forward from this day delighting in their life together.

May their love grow, and in time to come may it prove able to heal and to help, to overcome difficulties, and to bring reconciliation.

So may all see in them a symbol of your love from which nothing can separate us and which nothing can overcome.

Be with them now and remain with them for ever. Amen.

OR

Most holy God, we give you thanks for the joy and privilege of sharing

with N..... and N..... in their happiness today.

We pray that your blessing may continue to sustain them

throughout their life together,

and that their love may grow and deepen with the passing years.

Keep guard over the covenant they have made, and make them strong within your holy love.

Bless the home that they share, and defend it from evil.

May it be a place where Christ is known and loved, where his perfect love casts out all fear,

and where his cross brings reconciliation and peace.

May it be a place of happy welcome and loving, joyful service.

Grant N..... and N..... all that they need to live well, and give them a generous heart and a kindly spirit.

Faithful God, remember in your love each family represented here.

May those who made vows to each other in the past renew their commitment and find their love strengthened.

Lead us safely through this life, O God, and when our journey here is ended and our service complete, bring us with all your people, into the fullness of your eternal joy, through Jesus Christ our Lord. Amen.

**(xiii) The Lord's Prayer**

**(xiv) Hymn**

**(xv) Benediction**

Go in peace.

Be joyful in the love of God.

And may the blessing of God almighty,

Father, Son and Holy Spirit,

rest upon you and remain with you all,

this day and for evermore. Amen.

OR

May the peace of God, which is beyond all human understanding,

guard your hearts and your thoughts in Christ Jesus,

and may the blessing of God almighty,

Father, Son and Holy Spirit,

be upon you and remain with you always. Amen.

ALAN FALCONER

J MARY HENDERSON

MARJORY A MacLEAN

**7. Addressing Issues of Human Sexuality within the communion of the 'One Holy Catholic and Apostolic Church': The Traditionalist Case**

**7.1 Introduction**

The purpose of this section of the Report is to lay out the biblical and theological arguments for what the Special Commission on Same-Sex Relations and the Ministry (henceforth 'Special Commission') called the "'Traditionalist" position.<sup>251</sup> We offer this as a contribution towards the

<sup>251</sup> It should be noted, however, that it is not 'tradition' that leads us to this position but the teaching of Holy Scripture and therefore the title "Traditionalist" is something of a misnomer.



work of the Theological Commission, from the Traditionalist side. We shall begin by doing three things: first, examine the nature and scope of the presenting issue; second, summarise the current position of the Church of Scotland; and third, summarise the main biblical and theological arguments for the Traditionalist position. Thereafter, we shall “show our working” by laying out our exegesis of the relevant Scriptural passages, in support of the argument.

## 7.2 The Presenting Issue

The issue of same-sex relations and the ministry is one that is currently exercising the minds of Christians in many churches throughout the world. On the one hand, it can appear on the surface level to be a very simple issue, given that every single reference to homosexual acts in the entire Bible is negative and condemnatory, as everyone on the Theological Commission recognises. On the other hand, it is a profoundly difficult and complex issue because it concerns the personal sexual identity of Christian men and women and their sense of ‘call’ to the ministry. For those on the Traditionalist side, this complexity necessitates a much deeper understanding of the inner struggle faced by many homosexual Christians than has sometimes been demonstrated. It also necessitates a careful, prayerful, thoughtful and compassionate approach to the issue. For those on the Revisionist side, the necessity is for clear evidence that they are not simply bowing to the pressure exerted in our society by the “politically-correct” equality and non-discrimination lobby but have truly thought through the issue biblically and theologically, not least through a willingness to engage honestly with the biblical references concerning homosexual acts.

Perhaps the most important preliminary point to make is that the biblical and theological issue at stake here concerns homosexual acts, not homosexual orientation. There are many Christians whose sexual orientation is homosexual and to whom we owe a duty of pastoral care and not condemnation. Anyone who has known the pain and struggle of homosexual Christians coming to terms with their sexual identity, or heard them tell of the hostile reaction they experienced when they finally worked up the

courage to tell other Christians, will recognise the need for wisdom before we speak at all. It is also undoubtedly the case that many homosexual Christians have not found the Church to be a safe place in which to speak of their sexuality. Many would testify to an experience of rejection by and separation from those Christian leaders whose ministry they valued. The Church has a particular responsibility to those homosexual Christians who, because of their reading of Scripture, have chosen celibacy, with all the loneliness and pain which this can bring.

The issue of same-sex relations is very different from the matter of homosexual orientation. The issue here is whether the decision to engage in homosexual acts can ever be the right decision for a Christian to make or whether those of a homosexual orientation are required by God to remain celibate. The care and compassion which the Church ought to show towards those of homosexual orientation is perfectly compatible with holding to the view that marriage, properly understood, is between one man and one woman, with the corresponding conviction that sexual acts should only take place within marriage. That is the issue we shall be exploring in the biblical and theological arguments below.

Unfortunately, whatever conclusion the Church finally reaches on this issue, it will bring hurt and pain in its wake. If the Revisionist trajectory is upheld, many Christians will feel that the Church has called ‘good’ what the Bible calls ‘sin’ and will feel the need to leave the Church. If that trajectory is abandoned and the Church’s traditional position is upheld, many of a homosexual orientation who sense a strong call to ministry, will feel hurt and rejected and some of them will inevitably go to a Church where they believe that their call might be affirmed. The only way to avoid a disruption might be to argue that the Church is not of a settled mind on this matter and therefore requires a prolonged period of reflection and prayer before coming to a final conclusion. That would, of course, leave some waiting, perhaps for several years, to know if their sense of call will ever be affirmed by the Church. It would leave others saying that once again the Church has ‘fudged’ the issue and failed to give clear and decisive moral leadership.

### 7.3 The Current Position of the Church

The Traditionalist position is the current position of the Church of Scotland in respect of same-sex relationships, as was made clear at the 2011 General Assembly. At that General Assembly, however, the Church tentatively chose a different 'direction of travel' by opting for resolution 7b of the Special Commission's deliverances, being a trajectory towards the eventual approval of the ordination, induction and appointment of ministers of Word and Sacrament and Deacons living in a same-sex relationship. Nevertheless, although it approved the 'trajectory,' the General Assembly took seriously the comments of Lord Hodge, the Convener of the Special Commission, who said that at the heart of this matter were serious biblical and theological issues which the Special Commission had neither the time nor the expertise to investigate thoroughly. Hence the General Assembly of 2011 decided not to make a final decision on the chosen trajectory until a Theological Commission had studied all the relevant biblical and theological arguments. The Theological Commission was duly appointed and instructed to Report to the General Assembly of 2013.

Many of us were disappointed by the trajectory chosen in 2011, especially given that the Special Commission's own survey and Report seemed to point in a much more orthodox direction. We have also been disappointed that, despite the clear statements made at the 2011 General Assembly by Lord Hodge (and confirmed by the Procurator), some have persisted with the notion that the Traditionalist view does not, in fact, represent the current position of the Church. That being the case, we were pleased that the General Assembly of 2012 approved both the Report of the Legal Questions Committee and the Report on Marriage by the Working Group on Human Sexuality.

The Legal Questions Committee reported that it had co-ordinated the Church of Scotland's response to the Scottish Government's consultation on same-sex marriage. The wording of the Report confirmed that, despite the trajectory taken in 2011, the Church's position remains unchanged. Hence the Committee could say, 'In May 2011, the Assembly made clear that the Church has not

departed from the traditional Christian position on same-sex relationships although it is thinking about doing so and will debate the issue further in May 2013.'<sup>252</sup> Despite those who say that the Church 'does not have a position' on this controversial matter, this is clear evidence that it does.

The Report on marriage was the third report to be produced by the Working Group on Human Sexuality. The first was on same-sex issues, the second on singleness and the third on marriage. These Reports together represent the most serious and sustained theological work in which the Church has engaged on matters of human sexuality. The three Reports are carefully written, demonstrate a recognition of the range of positions held within the Church and must be taken together in order to get their full impact. In terms of our own work as a Theological Commission, a key sentence in the final Report stresses the theological work which would be required in order to change the Church's position on same-sex relationships: 'Scripture, church practice and theological reflection has defined marriage as being between men and women – and any move to regarding same-sex marriage as a legitimate Christian understanding would be a fundamental shift.'<sup>253</sup> Given the broadly-based membership of the Working Group and given the trajectory chosen in 2011, it is encouraging that such a position was taken. It is also encouraging that no-one at the 2012 General Assembly questioned this, or attempted any amendment or counter-motion.

The reception of the Marriage Report was an encouragement to many of us, since it seemed that the Church had moved back to its more orthodox centre of gravity. This was not only important for the Church of Scotland as the established Church but for her place in the 'One Holy Catholic and Apostolic Church'. To depart from the view that sexual acts must be confined to a man and a woman joined in marriage, would have been

<sup>252</sup> *Reports to the General Assembly of the Church of Scotland 2012*, (Legal Questions Committee) 704/7.

<sup>253</sup> *Reports to the General Assembly of the Church of Scotland 2012*, (Working Group on Human Sexuality) 5/49.

to separate the Church of Scotland from the Church catholic, as the Marriage Report itself made clear. Those on the Theological Commission who support the tentative trajectory we are examining have not produced any new biblical or theological argument that would justify a change in the Church's present position. We believe, therefore, that the General Assembly ought to reaffirm the orthodox position of the Church and so maintain the unity of the Church catholic.

#### 7.4 Biblical and Theological Arguments

We begin by laying out the arguments for the Traditionalist position. First, we shall say something about theological method, second, we shall discuss the doctrine of God and then third, we shall summarise the biblical and theological conclusions we have reached on the basis of the exegetical work which follows.

##### 7.4.1 Theological Method

Since our task is to provide the biblical and theological arguments for the Traditionalist position, it is important to lay down the theological method which underlies this paper. To that end, we must consider the origin of Scripture, the nature of Scripture and the interpretation of Scripture.

###### 7.4.1.1 *The Origin of Scripture*

While fully recognising the humanity of the biblical authors and the contextual nature of what they wrote, we affirm that Scripture has its origins in God. The apostle Paul says in 2 Timothy 3:16 that 'all Scripture is God-breathed' and the apostle Peter, in 2 Peter 1:21, says that 'men spoke from God as they were carried along by the Holy Spirit.' The conclusion we must draw from this is that the Scriptures are not simply an interesting record of what religious people have believed from time to time in the history of the Judaeo-Christian continuum, rather they have their origins in God and so carry the full authority of God as he spoke (and continues to speak) by his Spirit through the human authors.

###### 7.4.1.2 *The Nature of Scripture*

It follows from this conviction concerning the origins of Scripture that the Scriptures are, in the words of our

Church's 'principal subordinate standard', the *Westminster Confession of Faith*: 'the Word of God written.' This is also the view of Scripture held by the Church of Scotland according to its *Articles Declaratory*: 'The Church of Scotland adheres to the Scottish Reformation; receives the Word of God which is contained in the Scriptures of the Old and New Testaments as its supreme rule of faith and life; and avows the fundamental doctrines of the Catholic faith founded thereupon.'<sup>254</sup> The *Westminster Confession of Faith* elaborates on this view: 'The authority of the holy Scripture, for which it ought to be believed and obeyed, dependeth not upon the testimony of any man or Church, but wholly upon God (who is truth itself), the Author thereof; and therefore it is to be received, because it is the Word of God.'<sup>255</sup>

Some have argued more recently, particularly since Dr Douglas Murray's Chalmers Lectures of 1991, that when the *Articles Declaratory* speak about the Word of God 'contained in' the Scriptures of the Old and New Testaments, it means that not all of Scripture is the Word of God.<sup>256</sup> This is an entirely novel argument, with no historical credibility. The expression 'contained in the Scriptures of the Old and New Testaments' has been used in the doctrinal and constitutional documents of the Church of Scotland since it was used by the Westminster Divines in the seventeenth century. The second question of the *Shorter Catechism* reads: 'What rule hath God given to direct us how we may glorify and enjoy him?' The answer is: 'The Word of God, which is contained in the Scriptures of the Old and New Testaments, is the only rule to direct us how we may glorify and enjoy him.' In the *Westminster Confession of Faith*, written by the same divines, the wording is reversed: 'Under the name of holy Scripture, or the Word of God written, are now contained all the Books of the Old and New Testament.' Clearly these

<sup>254</sup> Weatherhead, James L., *The Constitution and Laws of the Church of Scotland, 159-161: Articles Declaratory of the Constitution of the Church of Scotland: Article I.*

<sup>255</sup> *Westminster Confession of Faith* I.4.

<sup>256</sup> Murray, Douglas M., *Freedom to Reform* (Edinburgh: T & T Clark, 1993).

expressions are interchangeable in the minds of the Divines, the latter being less subject to late 20th century misinterpretation.

The intention of the Divines in using the expression 'contained in' was to deny that the Apocryphal books were to be viewed as the Word of God. Only the sixty six books 'contained' in the Scriptures of the Old and New Testaments were to be regarded as the Word of God. Surely no-one would argue that the Westminster Divines did not believe all of Scripture to be the Word of God? Since the Church of Scotland adopted the *Westminster Confession of Faith* and its associated Catechisms and Documents in 1647, the Church has affirmed that all of Scripture is the Word of God written.

#### 7.4.1.3 *The Interpretation of Scripture*

In our Reformed tradition, following Calvin, the key to understanding and interpreting Scripture has always been to recognise the important and integral relationship between Word and Spirit. It was the Holy Spirit who brought the Scriptures into existence (origins), it was the Holy Spirit who enabled the church to recognise Scripture as Scripture (canonicity), it is the Holy Spirit who helps us to understand the meaning of Scripture (illumination) and it is the Holy Spirit who enables the preaching of Scripture (empowerment). This being the case, the 'text' must be read in an attitude of prayer and worship, seeking the mind of the Holy Spirit, recognising that the Spirit will never contradict what has been given to us in Scripture.

We also believe, following the Reformers and our Reformation tradition, that the Scriptures are to be interpreted using certain core methods. First, there must be an examination of the original Hebrew and Greek texts by grammatico-historical exegesis. Second, there should follow a thorough investigation of the literary, social, cultural and historical background to the text. Third, the text should be examined in context, taking account of the place of the text in the canonical book and in the Bible as a whole, seeking to understand the intention of the author and the theological structure of the argument

being presented. Fourth, there ought to be a recognition that difficult passages must be read in the light of clearer passages. Fifth, like the Reformers we should begin with a commitment to the fundamental unity of Scripture as the Word of God and hence part of our interpretation will involve comparing Scripture with Scripture.

We recognise, of course, that even using these principles, Christians will disagree. There are many subjects on which honest and faithful exegetes have come to differing conclusions. In the New Testament, for example, there are strands of teaching on baptism, on the relation between church and state, on eschatology, on marriage and divorce, on women's ordination and many other matters, where Christians have gone to Scripture, believing it to be the Word of God and reached contradictory positions. These are differences 'within the family' and should not bring separation of fellowship. On the subject of homosexual acts, however, we face an entirely different situation. In both Old and New Testaments, homosexual acts are universally condemned. There is not one positive reference to homosexual acts in the entire Bible, rather such acts are regarded as sinful. This is what makes the issue of homosexual acts quite different from all of the matters on which Christians legitimately disagree. To give approval to homosexual acts as being valid within a Christian lifestyle is not, therefore, a matter of the interpretation of Scripture but is rather a rejection of the teaching of Scripture.

#### 7.4.2 *The Doctrine of God*

As with all theological issues, the key to understanding the matter before us begins with our doctrine of God. God reveals himself to us in Scripture in many ways. The most significant of these is the fact that he is Trinity: Father, Son and Holy Spirit. He also reveals himself to be the Creator of all things and therefore distinct from the world (the Creator-creature distinction). Our *Confession of Faith* summarises the teaching of Scripture about God in this way: 'infinite in being and perfection, a most pure spirit, invisible, without body, parts, or passions; immutable, immense, eternal, incomprehensible, almighty, most wise, most holy, most free, most absolute; working all things according to the counsel of His own immutable and most

righteous will, for His own glory;’ When the *Confession* then goes on to describe the character and nature of God it speaks in the following way, ‘most loving, gracious, merciful, long-suffering, abundant in goodness and truth, forgiving iniquity, transgression, and sin; the rewarder of them that diligently seek Him; and withal, most just, and terrible in His judgements, hating all sin, and who will by no means clear the guilty.’<sup>257</sup>

This is a very balanced statement, describing God as loving, gracious, merciful and long-suffering while, at the same time, pointing out that he is holy and just, hates sin and will judge the guilty. The importance of this to the current debate cannot be over-emphasised. We know and affirm that God is love, as the Scripture says (1 John 4:7-21, especially verses 8 and 16). Indeed, we can go further and say that God’s love is an ‘agape’ love, the kind of love which is lavished on those who do not deserve it. Despite our sin, God our heavenly Father lavishes his love upon us, not least in sending his Son to die on the cross.

There is a tendency, however, to speak of the ‘love of God’ as if that were his only attribute and to subsume (or ignore) everything else. For example, there are those who argue that, since God is love, much of the Old Testament cannot be true. They argue that when God tells his people to slaughter the Amalekites, or when he acts in a severe and judgemental way, then we must conclude that the Israelites only *thought* that God was saying and doing these things but that they were mistaken. Such confusion arises because of a misunderstanding of God’s love. As J.I. Packer says, ‘sentimental ideas of his love as an indulgent, benevolent softness, divorced from moral standards and concerns, must therefore be ruled out from the start. God’s love is a holy love.’<sup>258</sup>

We must never make the mistake of placing the love of God over against his other attributes, or over against his law. This was the mistake made by those who advocated ‘situation ethics’ and who argued that love was more

important than anything else, suggesting that in some cases adultery might be a Christian virtue, so long as it was done for love. One of the arguments of the pro-homosexual lobby is that, so long as two people love one another, there can be nothing wrong with them entering into a physical relationship, even if they are of the same sex. We also have an increasingly common problem today where young couples live together either before marriage or outside marriage. It doesn’t matter about the formalities they say, so long as we love each other.

When we take the love of God, the holiness of God and the justice of God together, we can see that there is no incompatibility between saying that God loves human beings but that there are certain actions of human beings which he unreservedly condemns, including homosexual acts. When people today interpret God’s love to mean a weak toleration (or even approval) of human sin, they have made the mistake of emphasising one aspect of the nature of God to the detriment of other aspects of his nature and character. Robert Gagnon puts it like this: ‘Love and reproof are not mutually exclusive concepts. If one fails to reprove another who is engaged in self-destructive or community-destructive behaviour, or any conduct deemed unacceptable by God, one can hardly claim to have acted in love either to the perpetrator or to others affected by the perpetrator’s actions. Without a moral compass love is mere mush. Without taking into account God’s will for holy living, love turns into affirmation of self-degrading and other-degrading conduct. This means that true love of one’s neighbour does not embrace every form of consensual behaviour.’<sup>259</sup>

### 7.4.3 Biblical and Theological Arguments

At the end of this section of the Report, we have provided a substantial exegetical study of the Scriptures of the Old and New Testaments in relation to the issues before us. The following is a brief summary of that exegetical work.

<sup>257</sup> *Westminster Confession of Faith* II.1.

<sup>258</sup> Packer, James I., *Knowing God* (London: Hodder & Stoughton, 2005), 137.

<sup>259</sup> Gagnon, Robert J. *The Bible And Homosexual Practice: Texts and Hermeneutics*, (Nashville, TN: Abingdon Press, 2011), 34.

#### 7.4.3.1 *The Unity of Scripture*

On the matter of human sexuality, there is a demonstrable unity within Scripture. God created human beings as male and female and the expression of human sexuality blessed by God is that exercised between one man and one woman, within the relationship of marriage. In the Scriptures we find examples of every variety of human sexuality, yet only that celebrated within marriage receives the approval of God. This should not surprise us since, even in terms of the human body, homosexual acts constitute 'a violation of the anatomical and procreational sexual complementarity of male and female in creation.'<sup>260</sup>

#### 7.4.3.2 *Same-sex relations or homosexual acts*

It is clear from the Scriptures that all sexual acts outside marriage are equally unacceptable to God. In other words, same-sex relationships, or homosexual acts, are not singled out by God, or the authors of Scripture, for special treatment. God is not more opposed to those in same-sex relationships than to those who engage in adultery or incest. Consequently the Church cannot treat same-sex relations as though they were a special case deserving special treatment. The underlying principle is that all expressions of human sexuality apart from that between one man and one woman in the relationship of marriage are equally condemned by Scripture.

#### 7.4.3.3 *The Old Testament*

In our study of the Old Testament, we have looked at all the key references to human sexuality and have viewed homosexual practice in the light of that wider picture. That is to say, we have not limited our study of the Old Testament to texts which directly mention homosexual practice. When we do look at those passages which speak of homosexual acts, in the light of the overall Old Testament teaching on human sexuality, we have to conclude that in every case these acts are condemned as sinful and unacceptable to God. The narrative evidence, as well as the case law, indicates that sexual acts are a good

gift of a good God, to be enjoyed only within the context of marriage between one man and one woman.

#### 7.4.3.4 *The New Testament*

When we turn to the New Testament we find the same teaching as in the Old Testament. Chapter 1 of Paul's letter to the Romans is particularly striking. There can be no mistaking what Paul is saying here in verses 24-27:

Therefore God gave them up in the lusts of their hearts to impurity, to the dishonoring of their bodies among themselves, because they exchanged the truth about God for a lie and worshiped and served the creature rather than the Creator, who is blessed forever! Amen. For this reason God gave them up to dishonorable passions. For their women exchanged natural relations for those that are contrary to nature; and the men likewise gave up natural relations with women and were consumed with passion for one another, men committing shameless acts with men and receiving in themselves the due penalty for their error.

Homosexual acts are described here as contrary to what is 'natural' and Paul describes them as 'shameless acts.' In order to soften or undermine the clear teaching of these verses, some have suggested that Paul was arguing against abusive homosexual relationships of various kinds, rather than homosexual acts *per se*. This is specious and without foundation in the face of such unambiguous teaching, following on as it does from similar clear and unambiguous teaching in the Old Testament.

The other critical New Testament passage is 1 Corinthians 6: 9-11:

Do you not know that the unrighteous will not inherit the kingdom of God? Do not be deceived: neither the sexually immoral, nor idolaters, nor adulterers, nor men who practice homosexuality, nor thieves, nor the greedy, nor drunkards, nor revilers, nor swindlers will inherit the kingdom of God. And such were some of you. But you were washed, you were sanctified, you were justified in the name of the Lord Jesus Christ and by the Spirit of our God.

<sup>260</sup> Gagnon, Robert J. *The Bible And Homosexual Practice: Texts and Hermeneutics*, 86.

Notice that those who practise homosexuality are listed among idolaters, adulterers, thieves and others. The suggestion that those who engage in homosexual acts ought to be recognised as respectable members (even ministers) of the Church can surely not be justified from this passage of Scripture. Nevertheless, this passage gives hope because it indicates that there is the possibility of transformation through Christ, by the Holy Spirit.

### 7.5 Summary

Given the biblical and theological arguments presented above and spelled out in detail below, we reject all arguments which seek to justify or condone homosexual acts, since they stand contrary to the clear and universal teaching of Scripture. The arguments we have in mind include the following:

First, we find homosexuals claiming, 'this is the way God made me' and, on that basis, insisting on the right to express their sexuality in a same-sex relationship. The same kind of argument could be used by heterosexuals to justify a promiscuous lifestyle, or by paedophiles who are attracted to children. Simply the possession of certain sexual desires does not imply the right to express these, especially in relationships which Scripture condemns. The honourable choice of celibacy by those of homosexual orientation is the appropriate response to homosexual desire just as celibacy or a faithful marriage relationship is the appropriate response of heterosexuals to heterosexual desires.

Second, it is argued that Paul knew nothing of long-term, stable homosexual relationships and, if he were living today, the existence of such relationships, plus modern scientific knowledge would have persuaded him that he had been wrong in his teaching on homosexuality. This argument is misguided both historically and theologically. Historically, it is clear that stable homosexual relationships were well known in Roman times and theologically, this argument undermines the fact that God's knowledge is comprehensive, such that his revelation, while never complete, is always true.

In the light of the biblical and theological arguments mentioned above (and spelled out in detail below), we make the following affirmations:

- (a) The Scriptures condemn homosexual acts in unequivocal and forthright terms. Such acts cannot, therefore, be regarded as acceptable behaviour by those who claim to be Christians.
- (b) Everyone on the Theological Commission (on both sides of this debate) agrees that there is not one positive reference to homosexuality in the entire Bible. This agreement is significant.
- (c) The Scriptures have nothing to say about homosexual orientation and there is no barrier to a celibate homosexual being accepted for Christian service.
- (d) The Church, in faithfulness to God's Word, must provide pastoral care for those who struggle with homosexual desires but must also discipline those who flagrantly disobey God by engaging in homosexual acts.

The Church of Scotland, in partnership with orthodox Christianity from the very beginning, has insisted that sexual acts belong in a relationship between one man and one woman joined together in marriage. Chastity outside marriage and faithfulness within marriage is and ought to remain the Church's position.

## 7.6 Exegetical Evidence

### 7.6.1 Introduction

Having summarised our arguments, we shall now exegete those passages of Scripture which deal with issues of human sexuality, particularly those which refer to homosexuality and homosexual acts, in order to discover what God's Word says on this matter. It should be noted that, in a Report to General Assembly, it is not possible to lay out the exegetical work in great detail, due to the constraints of space. For those who wish to examine this issue in more depth we recommend the work of Robert Gagnon.<sup>261</sup> This almost 500 page volume has become the

<sup>261</sup> Gagnon, Robert J. *The Bible And Homosexual Practice: Texts and Hermeneutics*.

definitive work on the subject, commended by scholars across the theological spectrum, such as James Barr, Brevard Childs, C.E.B. Cranfield, C.K. Barrett, James D.G. Dunn, I. Howard Marshall and others.

Before embarking on the exegesis itself, there are certain explanatory notes required, in order to explain our understanding of God's law in relation to Christian decision-making.

### 7.6.2 The Old Testament and the Law of God<sup>262</sup>

The key hermeneutical question on which our study is based can be expressed in this way: How do we, as Christians, make use of the Old Testament law in guiding moral or ethical decision making? We begin with the follow six observations:

- (a) The Old Testament, in all its parts, has authority and relevance for Christians in all times and places, albeit that we recognise the distinctions made in the *Westminster Confession of Faith* between the moral, ceremonial and judicial aspects of the law.
- (b) On the matter of the law, there is a unity between the Scriptures of the Old and New Testaments. This unity is not in any way undermined by the fulfilment of the law in Christ (Romans 10:4). Jesus himself indicated that not even the smallest letter or stroke of a pen would pass from the law until heaven and earth disappear (Matthew 5:18). Indeed, the apostles recognised that the underlying purpose of the law might be applied to new circumstances (1 Corinthians 9:7-12), as the *Confession* underlines.<sup>263</sup>
- (c) The priority of God's grace in giving the law further unites both Testaments. The law of God is not viewed as a burden to weigh people down but as a gracious gift to be celebrated (see Psalms 19 and 119). Having made his covenant with Israel through Abraham, God gives the law 430 years later through Moses. The

giving of the law does not undermine the promises made in the covenant, rather it is a spelling out of how the covenant people ought to live before God (Galatians 3).

- (d) The mission of Israel is central to our understanding of the Old Testament. God has chosen, elected, the people of Israel to achieve his purposes of grace and redemption in the midst of the other nations and to be a blessing to all the nations. God's election of Israel leads directly to an ethical demand upon the elect people. The mission given to Israel will be achieved through obedience to the law.
- (e) The function of the law in relation to Israel must be understood. Having brought his people up from slavery in Egypt, God calls them to be a priestly nation, a holy people. The gift of the law serves the people in their priestly and holy service offered to the nations. Israel, through obedience to the law becomes a light to the nations.
- (f) Israel is a model, or paradigm, for all the nations and peoples of the earth. The role of the law within Israel similarly serves as a model for the lifestyle and ethics of the nations. The law cannot thus be confined to Israel but has a relevance to all peoples.

In Scripture, then, we find that what we call 'law' is far more than merely legal texts. The material covered by the description *torah* includes narrative, genealogy as well as what might be called legal texts. The purpose of *torah* is the formation of a worldview, a way of relating story, symbol and acts. The categories of legal material that we find in the Old Testament may be described by the following terms: criminal, case, family, cultic, compassionate. These categories are woven together as part of the way of life of the nation. If we begin with these categories, representing the different types of legal material as found in the text, it is then possible to analyse the social function of these texts within the nation of Israel. We then strive to understand the objectives of the law within Israel and can finally be in a position to hold onto the objective of the law as given while applying the law to the changed situation in which we find ourselves.

<sup>262</sup> For a full discussion of this theme see; Wright, Christopher J.H., *Old Testament Ethics for the People of God*, (Nottingham, Inter-Varsity Press, 2004), 281-326: Chapter 9 'Law and the legal system'.

<sup>263</sup> *Westminster Confession of Faith* XIX.4



### 7.6.3 The Old Testament and Human Sexuality

In this section of the Report we will consider the Old Testament and human sexuality and will view homosexual practice in the light of that wider picture. While recognising the literary and historic differences between the texts of the Old Testament, we intend to read the Old Testament as a whole, rather than as a collection of texts, since it comes to us as one canonical text. We will not limit our study of the Old Testament to texts which directly mention homosexual practice, although we will, as required, consider those texts in our study.

#### 7.6.3.1 Torah

Torah, or the Pentateuch, is properly the foundation of all biblical revelation. The two later sections of the Hebrew canon, the Prophets and the Writings, respond to Torah, indeed without Torah neither the rest of the Old Testament nor the whole of the New Testament would make any sense. Torah is presented to us deliberately with this purpose of shaping a foundation for our understanding of Yahweh. Torah includes what we think of as 'law' but, being more than this, is a communication from Yahweh of himself giving instruction to humanity that we might order our lives according to Yahweh's purposes for us.<sup>264</sup> The term 'Torah' is thus used to describe a collection of books: Genesis, Exodus, Leviticus, Numbers and Deuteronomy. This is a brief and narrow definition of Torah. In his short history of Judaism, *Torah Through The Ages*, Jacob Neusner writes:

I select among the principal symbolic components of any Judaism the symbol of Torah... That symbol is available in any Judaism, for all Judaisms appeal to the opaque symbols represented, in verbal terms, by the words "God," "Torah," and "Israel." These ciphers stand in secular language for the "world-view," "way of life," and "social entity" that comprise a religion.<sup>265</sup>

<sup>264</sup> Van Gemeren, Willem A., *New International Dictionary of Old Testament Theology and Exegesis*, (Volume 4) (Grand Rapids, MI: Zondervan, 1996), 893. See also; Brown, Francis, Driver, Samuel R. & Briggs, Charles A., *A Hebrew and English Lexicon of the Old Testament*, (1962 Reprint) (London: Oxford University Press, 1907), 435.

<sup>265</sup> Neusner, Jacob, *Torah Through The Ages: A Short History of Judaism*, (London: SCM Press, 1990), xi.

Here Neusner does not limit the definition of Torah to Law, or legal text. A world-view, way of life or social entity is a far broader concept than Law, although it often may include what we would consider Law. 'Torah' is a word with a wide range of meanings, it is important then when studying biblical texts, especially Genesis to Deuteronomy, not to fall into an overly simple reading of all texts as legal texts. Much of the material in Genesis to Deuteronomy is narrative, which is difficult to read as Law. It is not the position of our exposition that all the material that may be called 'Torah' is Law or legal text. We do, however, note the use of the term 'Torah' in Psalm 119 where it is used 25 times and is often used together with the phrase 'of the LORD', as in verse 1: 'Blessed are those whose way is blameless, who walk in the law of the LORD!' 'Torah' thus describes a word of Yahweh, delivered orally or in writing which, having its origin in Yahweh, derives an authority from him. Thus 'Torah' may be in the form of Law or narrative or poetry or parable. In whichever form it comes to us, it is Torah and has the backing of the authority of Yahweh.

#### 7.6.3.1.1 Genesis 1-2

All that Genesis will teach us about humanity is set in the context of creation as described in Genesis 1-2. Genesis 1 describes creation as the work of one God for his glory and Genesis 2 complements this with a more anthropocentric presentation of creation. From Genesis 1:26-27 the male female distinction is taken to reflect something of the image of God. This is built into the fabric of human creation and is not to be confused or treated as a consequence of the Fall. The command given in verse 28, 'Be fruitful and multiply' would suggest that propagation of the species is commended by God, which is a result of an exercise of human sexuality.<sup>266</sup>

In 2:18-25 we have an explanation of the existence and power of the male-female bond within marriage.<sup>267</sup> For

<sup>266</sup> All Biblical references are from the English Standard Version.

<sup>267</sup> So in; von Rad, Gerhard, *Genesis* (Revised Edition) (London: SCM Press, 1972), 84-85.

von Rad the point of the account is to explain the human condition, the powerful attraction between male and female. Gordon Wenham helpfully adds to the work of von Rad, writing that marriage is to be between a male and a female, specifically and exclusively.<sup>268</sup> This unique relationship of marriage also exists for harmony and intimacy. Intimacy is the theme to which the Old Testament will return most prominently in Song of Songs. Marriage between a male and a female is the high standard to which relationships between male and female aspire. When commenting on this verse in Matthew 19:6, the Lord Jesus adds that any destruction of this male female relationship, presumably by any non-married sexual activity, destroys, or seriously mars, an element of God's creative activity.

Humanity has been created male and female. There is a powerful attraction between male and female which has been built into human creation. When this attraction is expressed within marriage between a male and a female, there is harmony and intimacy, a reflection of the harmony and intimacy enjoyed and experienced by the Triune God, whose image is impressed upon both male and female.

#### 7.6.3.1.2 *Genesis 3*

The Fall described in Genesis 3 is vital to our understanding of the biblical story, which can be read in terms of a fourfold outline: Creation, Fall, Redemption, and Final Judgement. The Fall does not control this outline and is not the highest peak on this range; it does, however, make a significant contribution to the overall shape and outline. If we are tempted to omit the Fall from this outline, we must answer the question, 'From what are we being redeemed?' In 3:1-5 we read of the temptation placed before Eve and then in 3:6 the human pair enter into sin. By this sin, God, who is creator and generous provider, is rejected. In Genesis 3:7 we find that as soon as the innocent harmony between the male and the female is shattered, the skimpy coverings they make for themselves are emphasised. Not

yet are they trying to conceal themselves from God, here they are trying to conceal themselves from one another, in particular to conceal parts of their bodies associated with sexual behaviour.

This contrasts with the situation before the Fall, where we read in Genesis 2:25, 'And the man and his wife were both naked and were not ashamed.' If shame is a reaction to being exposed or unmasked, then there was previously no shame. After sin, however, they know they are naked. They have not at this moment become sexually aware, there is no suggestion in the text either that they were sexually unaware before 3:7 or that they only become sexually aware after 3:7. One of the consequences of sin is a new tension between the male and the female in the area of sexuality. Human sexuality is not the only casualty of the Fall, but it does not escape the baneful effects of human rebellion against our Creator.

This new tension between male and female is further expressed in the words spoken by the Lord God to the woman in Genesis 3:16 (emphasis added), 'To the woman he said, "I will surely multiply your pain in childbearing; in pain you shall bring forth children. *Your desire shall be for your husband, and he shall rule over you.*"' This verse reinforces the loss of harmony and fellowship between male and female which we see played out in our lives day and daily. The consequences of the Fall, then, affects human sexuality. There is now no expression of human sexuality free from the stain of sin. This does not mean that all human sexuality is entirely sinful, or as sinful as it could be. By grace, although broken, the image of God is still borne by humans and so in Christ our sexuality can be redeemed and renewed.

#### 7.6.3.1.3 *Genesis 18*

Genesis 19 has become a major crux in discussion of human sexuality and must receive a fuller treatment than other Genesis texts. Since it is a unit of text with Genesis 18, we begin there. The opening section, 18:1-15, records the promise of a child to Abraham and Sarah and corresponds to the close of the text 19:30-38, with

<sup>268</sup> Wenham, Gordon, *Genesis Volume 1-15* (Word Biblical Commentary 1) (Dallas, TX: Word, 1987), 69.

the birth of children to Lot.<sup>269</sup> These verses also describe how Abraham received the three visitors. His example of hospitality in his welcome of the visitors, followed by that of Lot (19:2-3), will stand in contrast to that offered by the men of Sodom.

In 18:16-21 we learn that the Lord is about to do something and it involves Sodom. There is no mention made here of what the sin of Sodom might be, which should cause us to hesitate to locate the sin of Sodom in one particular element of chapter 19. Verses 22-33 set up the tension in chapter 19, which is focused on the survival or otherwise of Lot and his family. The survival of Lot is seen in the context of Abraham exclaiming in Genesis 18:25, 'Far be it from you to do such a thing, to put the righteous to death with the wicked, so that the righteous fare as the wicked! Far be that from you! Shall not the Judge of all the earth do what is just?' Thus the very nature and being of Yahweh are at stake in the crime and punishment, destruction and rescue narrative being played out before Abraham.

#### 7.6.3.1.4 *Genesis 19*

Lot's invitation and the provision offered (verse 2), is briefer and more simple than that offered by Abraham. The refusal of the offer of hospitality is unexpected and different from the somewhat parallel passage in Judges 19. There is something different happening in this visit to Sodom, in contrast to the earlier visit to Abraham at Mamre. Lot is insistent (verse 3), and the text is very strongly worded. Does Lot know what will happen to the visitors if they remain on the street? That would certainly be parallel to Judges 19. If the matter in hand were merely the refusal of hospitality by the people of the city, then once Lot has offered hospitality his duty is fulfilled and there is no need to press the visitors to come in off the streets. In 19:4 the phrase, 'the men of the city' is emphatically all the male inhabitants of the city. Apart from Lot there is no one righteous in the city.

<sup>269</sup> The close parallels in content and theme of these two passages functions to tie the two chapters closely together.

In 19:5 we come to the heart of the sin of Sodom. The phrase, 'that we may know them' cannot refer to any ignorance on the part of the men of the city as to the identity of the visitors, who entered publicly through the city gate. Since 'יָדַע' 'to know' is frequently used in Genesis of sexual intercourse, this seems the likeliest meaning here (see 4:1, 17, 25; 24:16).<sup>270</sup> The response of Lot to this request by the men of the city, the offer of his virgin daughters, indicates his understanding of their request for knowledge of the visitors to be a sexual request. Von Rad very colourfully writes:

One must think of the heavenly messengers as young men in their prime, whose beauty particularly incited evil desire (Gu.). In Canaan, where civilization at that time was already old, sexual aberrations were quite in vogue. At any event the Canaanites seemed dissolute to the migrating Israelites, who were bound to strict patriarchal customs and commands. This was especially true of the Canaanite cult of the fertility gods Baal and Astarte, which was erotic and orgiastic at times. (Lev 18.22ff.; 20.13-23).<sup>271</sup>

The sin of Sodom is sexual sin. There is a breach of traditions of hospitality, but there is more, there is improper sexual desire which falls under the judgement of God. In 19:6-7, Lot's words cannot be directed against a breach of hospitality, he clearly understands the desire of the mob to be sexual. The offer of his daughters (verse 8), must be intended to shock the first audience, as it shocks us. We cannot in any way condone Lot's offer of his daughters to the mob.<sup>272</sup> Lot is not free from sin and so is not rescued from Sodom because of his goodness or righteousness, but by the mercy of the Lord (19:16).

Lot has taken a wrong turn in settling in Sodom and the consequences of this error are now played out when judgement falls upon Sodom. There is here no condoning

<sup>270</sup> Wenham, Gordon, *Genesis Volume 16-50*, (Word Biblical Commentary 2) (Dallas, TX: Word, 2000), 55.

<sup>271</sup> von Rad, Gerhard, *Genesis*, 217.

<sup>272</sup> von Rad, Gerhard, *Genesis*, 218-219.

of heterosexual violence in contrast to a condemnation of homosexual violence, both are abhorrent. With 19:9-11 the attack reaches its climax, as the mob ignore Lot and push forward seeking to tear down the door that they might achieve their wicked objectives. The two visitors save Lot, striking the men of Sodom with blindness. As elsewhere in Scripture (Isaiah 6:10; John 9), this physical blindness is accompanied by intellectual or spiritual blindness. The men of Sodom cannot see physically or spiritually where they are going.

Lot, the only righteous man in Sodom, is to be saved and his family with him, as is made clear in 19:12-14. Finally with 19:15-29, the narrative carries on to its conclusion with no further references to or additional explanation of the sin of Sodom. The summary of the incident is stated in verse 29: 'So it was that, when God destroyed the cities of the valley, God remembered Abraham and sent Lot out of the midst of the overthrow when he overthrew the cities in which Lot had lived.' This verse concludes the crime and punishment, destruction and rescue cycle. The one who executes judgement upon Sodom, for sexual sin and for breach of hospitality sin, is God. This is not a human verdict but a Divine verdict. Chapters 18 and 19 form a unit of text in which Yahweh is the major actor: he hears the outcry against Sodom, he comes in judgement, he acts to rescue Lot. The sin of Sodom is both sexual and also a rejection of hospitality. There is no justification for the attempt to suggest that the homosexual element in this story held no interest for the author.<sup>273</sup> The sexual crime in view at Sodom is homosexual, and it is condemned.

### 7.6.3.1.5 *Exodus*

The first and principal text in Exodus relating to human sexuality is 20:14, 'You shall not commit adultery.' The giving of the Decalogue is described in chapters 19-24. This was a key event in the life and history of the nation of Israel, the Sinai meeting of Yahweh with his people.<sup>274</sup> The Decalogue itself is given in Exodus 20:1-17.

<sup>273</sup> John, Jeffrey, *Permanent, Faithful, Stable, Christian Same-Sex Partnerships*, 10.

<sup>274</sup> Durham, John I., *Exodus* (Word Biblical Commentary 3) (Dallas, TX: Word, 1987), 278.

In 20:14 we have one of the more simple statements of the 'ten words.' The verb used is *nâku*, which elsewhere is used of a man with the wife of another man, of a woman (more rarely) and figuratively of idolatry. Gary H. Hall notes, 'ANE The vb. *nâku* appears with the meaning "to have illicit sexual intercourse" in Akk.'<sup>275</sup>

Adultery refers to sexual intercourse (i) between a man and another man's wife (Leviticus 18:20; 20:10, Deuteronomy 22:22); (ii) between a man and a fiancée of another man (Deuteronomy 22:23-27) and (iii) between a wife and a man who is not her husband (Hosea 4:13, Ezekiel 16:32). Adultery is consistently condemned in the Old Testament and the punishment of death illustrates the serious nature of the offence. Adultery is a sin not only against another human but against Yahweh.<sup>276</sup> Adultery is sexual sin, an offence against marriage.<sup>277</sup> It also has a metaphorical, or figurative, use for idol worship. In both senses what is important is that the adulterer is turning away from commitment to Yahweh. To make this point clear: sexual sin against marriage is a rejection of Yahweh.

We should note the introduction to the Decalogue in Exodus 20:1, 'And God spoke all these words, saying...'. Thus Childs can say, 'the Book of the Covenant (Ex. 20.22) is introduced as a speech of God to Moses for the people.'<sup>278</sup> We do not limit this introduction to the Decalogue to the first commandment only but to all the commandments. This is God's command, the Word of God for his people. In a characteristically forthright manner Calvin comments on the interpretation of the commandments:

<sup>275</sup> See; Brown, Francis, Driver, Samuel R. & Briggs, Charles A., *A Hebrew and English Lexicon of the Old Testament*, 610, and; Van Gemeren, Willem A., *New International Dictionary of Old Testament Theology and Exegesis*, (Volume 3) (Grand Rapids, MI: Zondervan, 1996), 2.

<sup>276</sup> Durham, John I., *Exodus*, 294.

<sup>277</sup> Note that in Jeremiah 3 adultery is in parallel to, and synonymous with, whoredom/prostitution, as one example where adultery is taken as an offence against marriage in its widest sense.

<sup>278</sup> Childs, Brevard S., *The Book of Exodus*, (Louisville, KY: Westminster Press, 1974) 393.

Obviously, in almost all the commandments there are such manifest synecdoches that he who would confine his understanding of the law within the narrowness of the words deserves to be laughed at. Therefore, plainly a sober interpretation of the law goes beyond the words; but just how far remains obscure unless some measure be set. Now, I think this would be the best rule, if attention be directed to the reason of the commandment; that is, in each commandment to ponder why it was given to us... Finally, from this same thing we must derive an argument on the other side, in this manner: if this pleases God, the opposite displeases him; if this displeases, the opposite pleases him; if he commands this, he forbids the opposite; if he forbids this, he enjoins the opposite.<sup>279</sup>

Thus if we interpret the commandment only to forbid adultery, as defined earlier, we have not yet fully interpreted the commandment of the Lord. In this we follow the example of the Lord Jesus in Matthew 5:27-30. Since adultery is a sexual sin against marriage, we understand that what is forbidden by the commandment is all sexual activity outside of marriage between one man and one woman. Positively, included in the commandment is respect and honour for the marriage bond, as the only right setting for the full expression of human sexuality. More recently than Calvin, John Currid writes:

This commandment is not only designed to condemn adultery, but judges all forms of sexual impurity. It is the exemplar, or paradigm – that is, a standard to be applied to all types of sexual relationships. Thus, when the Mosaic law code expounds upon this commandment, it condemns and prohibits acts of homosexuality (Lev. 18:22), incest (Lev. 18:6-18), bestiality (Exod. 22:19) and fornication (Exod. 22:16). The law's demand is for appropriate sexual behaviour in all areas.

This statute is striking in the light of pagan sexual practices. Leviticus 18 lists many of these depravities, such as temple prostitution, incest and adultery. Israel is to act differently. Sexual purity is one of the marks of being set apart.<sup>280</sup>

The commandment puts a clear distinction between Israelite sexual behaviour, the sexual behaviour of 'a kingdom of priests and a holy nation' (Exodus 19:6), and the other nations. All expressions of human sexuality apart from within marriage between one man and one woman are under the ban of the commandment. Positively, humans are to treasure and prize highly the marriage bond and the expression of human sexuality enjoyed within it. In summary, then, Yahweh has given this commandment to his people. Yahweh gave this commandment at a crucial high point in the life of his people. The commandment forbids, or prohibits, all sexual activity outside marriage. The commandment commends marriage as the relationship within which humanity can celebrate and enjoy Yahweh's gift of human sexuality.

#### 7.6.3.1.6 *Exodus 22:16-19*

These verses appear in what is called the Covenant Code, Exodus 20:22-23:33. In 22:16, 'seduces' can be rendered "persuade" a woman, or, "seduce" a virgin.<sup>281</sup> The idea is not a violent, rape-like, attack upon a woman, but a seductive persuasion in which the woman finally agrees to sexual activity. The provision of this verse may be for both the woman's father and the woman herself.<sup>282</sup> Protection and provision for an unmarried young woman is offered here. Verse 18 has no relation to human sexuality but verse 19 reintroduces a form of sexual behaviour which is expressly forbidden.

#### 7.6.3.1.7 *Exodus 32:6*

The final word in this verse has connotations of sexual play, 'the vb. is used in connection with the worship of

<sup>279</sup> Calvin, John, *Institutes of the Christian Religion*, 2.8.8.

<sup>280</sup> Currid, John D., *Exodus Chapters 19-40*, (Volume 2) (Auburn, MA: Evangelical Press, 2001), 47.

<sup>281</sup> Brown, Francis, Driver, Samuel R. & Briggs, Charles A., *A Hebrew and English Lexicon of the Old Testament*, 834.

<sup>282</sup> Durham, John I., *Exodus*, 327.

the golden calf (NIV indulge in revelry). This usage... more likely it refers to a sexual orgy.<sup>283</sup> We should note the use of the verb in Genesis 26:8, with marital connotations and in Genesis 39:14 and 17, with extra-marital connotations. A consequence of the sin of idolatry before the Golden Calf is sexual license and sin. Sexual sin is never free from a rejection of Yahweh.

#### 7.6.3.1.8 *Leviticus 18*

Leviticus 18 is a second major crux in any consideration of the Old Testament and human sexuality. It is important that we do not take one or two verses of this chapter out of context but consider the whole chapter. The wider context of Leviticus 17-27 is usually taken as a distinct section within the book and may be described as 'Prescriptions for Practical Holiness'<sup>284</sup> or 'Laws on Holy Living.'<sup>285</sup> The purpose of this section of the book is to apply the separation or distinction between the holy and unholy, between Yahweh and all that opposes Yahweh, to the daily lives of the chosen people of Yahweh. A key feature of Leviticus 18 is the repeated use of the phrase, 'I am the Lord your God' (verses 2, 4 and 30) forming a frame for this chapter. Describing such self-introductory formulae Hartley writes:

These self-introductory formulae function to locate the authority of a passage, law or summons to obedience in the name of the giver of that word, namely Yahweh. That is, a formula raises the authority of a law or a series of law above the socio-political sphere to the divine sphere. Consequently, in obeying these laws the people express their loyalty to Yahweh.<sup>286</sup>

Leviticus 18 cannot be some culturally conditioned set of sexual prohibitions. The imprint of the nature and authority of Yahweh is written large over each part of this chapter. Submission to these sexual prohibitions is a response to redemption, a display of the image of God and a joyful, loving thanksgiving to Yahweh.

In 18:22, homosexual practice is forbidden: 'You shall not lie with a male as with a woman; it is an abomination.' This includes all homosexual practice, rather than just abusive or violent or exploitative homosexual practice. Homosexual practice is described as 'an abomination', which means it is something 'that God abhors.'<sup>287</sup> It is 'literally something detestable and hated by God.'<sup>288</sup> We should not imagine that these words were written lightly, nor should they be interpreted, or dismissed, casually.

Leviticus 18 opens, in verses 1-5, with an injunction to obey Yahweh's commands. Verses 6-18 prohibit sexual activity between close relations, verse 19 prohibits sexual activity during menstrual period, verse 20 prohibits adultery with a neighbour's wife, verse 21 prohibits offering children as sacrifices to false gods, verse 22 prohibits homosexual practice, verse 23 prohibits bestiality and the chapter concludes in verses 24-30 with exhortations to obey these laws. This demonstrates that homosexual practice is not the only expression of human sexuality which is prohibited for the people of Yahweh. In our contemporary society there is no desire to lift prohibitions on incest or bestiality and so, to remove the prohibition on homosexual practice, requires the interpreter to take verse 22 out of its context and treat it as a special case.

#### 7.6.3.1.9 *Leviticus 20*

The seriousness of homosexual acts is highlighted in the punishment prescribed in Leviticus 20:13 for those who engage in such acts: 'If a man lies with a male as with a woman, both of them have committed an abomination; they shall surely be put to death; their blood is upon them.' This verse comes in a section, 20:10-21, which

<sup>283</sup> Van Gemeren, Willem A., *New International Dictionary of Old Testament Theology and Exegesis*, (Volume 3), 797.

<sup>284</sup> Wenham, Gordon J., *The Book of Leviticus* (New International Commentary on the Old Testament) (Grand Rapids: Wm. B. Eerdmans, 1979), xi.

<sup>285</sup> Hartley, John E., *Leviticus*, (Word Biblical Commentary 4) (Dallas, TX: Word, 1992), viii.

<sup>286</sup> Hartley, John E., *Leviticus*, 292.

<sup>287</sup> Hartley, John E., *Leviticus*, 297.

<sup>288</sup> Wenham, Gordon J., *The Book of Leviticus*, 259.

describes various expressions of sexual immorality and the punishments required for them. In verses 10-16, the punishment is death, in 17-21, the punishment is to be cut off from the people, or to bear their own sin. It is this element of punishment which is an addition in 20:13 from chapter 18. Offences that bear the death penalty as punishment are religious offences and offences against ordered family life. The death penalty is a maximum penalty which reflects the abhorrent nature of the offence, particularly that the offence is abhorrent to Yahweh.

We do not seek to apply the death penalty today, hoping that an offender may yet come to faith and repentance in the Lord Jesus Christ, acknowledging their sin and receiving forgiveness. However, we must recognise that our God considers such sexual sin as an offence against his nature and his holiness and his appointing such punishment for this sin cannot be ignored or treated lightly.<sup>289</sup>

Quite apart from the clear teaching of these passages, the simple anatomical facts ought to have been sufficient to establish homosexual acts as an abomination. As Gagnon notes:

Apart from Scripture, the clearest indications as to God's design for human sexuality comes from the anatomical fit and functional capacity of male and female sex organs. On the one hand, there is an obvious and "natural" fittedness of the male penis and the female vagina. This fittedness is confirmed not only by the dimensions of the two organs but also by the tissue environment of the vagina (its relative sturdiness against rupture and its cleanliness when compared to the rectal environment), the capacity of both penis and vagina for mutual sexual stimulation (penial glands and the clitoris), and their capacity for procreation. Neither the male anal cavity (the orifice for expelling excrement) nor the mouth (the orifice for taking in food) are likely candidates for what God intended as a receptacle for the male penis.<sup>290</sup>

Given that the books of Numbers and Deuteronomy do not add to our discussion of human sexuality in Torah, we can conclude our study of this foundational section of the Old Testament in this way; human sexuality has been created by God to be enjoyed between one man and one woman. All expressions of human sexuality outside marriage are condemned by God. Homosexual practice is one of those expressions of human sexuality which is an abomination to God and therefore receives from him the severest punishment.

### 7.6.3.2 The Historical Books

This section of the canon includes the former Prophets: Joshua, Judges, 1 & 2 Samuel and 1 & 2 Kings, together with the books of Ruth, 1 & 2 Chronicles, Ezra, Nehemiah and Esther.

#### 7.6.3.2.1 The Former Prophets

The books of Joshua, Judges, 1 & 2 Samuel and 1 & 2 Kings are taken together in the Hebrew canon as the Former Prophets, which gives us some insight into the historical perspective from which they were written. All history is written from a perspective. The history written in these texts is written from a divine perspective. The story being told is the story of Yahweh's involvement in the life of his people, in particular it speaks of Yahweh's faithfulness to his covenant promises in the face of continued and persistent rejection of Yahweh and his covenant by his people. In this context, we find described all of human life, and a full range of expression of human sexuality, including prostitution (Joshua 2), unmarried promiscuity (Judges 16), rape (2 Samuel 13) and polygamy (1 Kings 11). Consistently in these books, the only expression of human sexuality that is approved of is that shared between one man and one woman within marriage, all other forms of human sexuality are portrayed as part of the cause of the exile.

#### 7.6.3.2.2 Judges 19

There are some similarities between this text and Genesis 19. No one comes out of this story well, not the Levite, not the old man, not the men of Gibeah. Yes, there is an offence against the practice of hospitality here, however,

<sup>289</sup> Wenham, Gordon J., *The Book of Leviticus*, 281-284.

<sup>290</sup> Gagnon, Robert J. *The Bible And Homosexual Practice: Texts and Hermeneutics*, 181.

this is not the only offence. The men of Gibeah demand in 19:22, 'Bring out the man who came into your house, that we may know him.' The man of the house responds in 19:24 by offering his virgin daughter and the concubine of the Levite, 'Let me bring them out now. Violate them and do with them what seems good to you, but against this man do not do this outrageous thing.' As in the case of Sodom, in Genesis 19, what lies behind this story is a sexual offence, that of homosexual practice.

In verse 23, the old man describes the desires of the mob for homosexual activity saying, 'do not act so wickedly... do not do this vile thing.' On this passage, Robert Gagnon quotes Susan Niditch:

In Judges 19, the unwelcome attack has the additional negative feature of homosexuality... The threat of homosexual rape is thus a doubly potent symbol of cultural, non-civilized behaviour from the Israelite point of view... homosexual rape is not merely an attack against an individual. It threatens proper family-concepts and... the greater community of Israelites... the Benjamites' rape of a female is hypothetically less of an abomination than the homosexual attack.<sup>291</sup>

We should disagree with Niditch, no rape is less of an abomination than any other rape, however, the main point is well made. While Israel knew of homosexual practice, as the people of Yahweh such sexual behaviour was forbidden them and was abominable to Yahweh. Homosexual behaviour is an attack against Israel being the people of God and this element of the narrative in Judges 19-21 cannot be denied.

#### 7.6.3.2.3 *Ruth*

Ruth is clearly a harvest tale and is appropriate for that setting. We regard as baseless the claim that Ruth and Naomi were involved in a lesbian relationship.<sup>292</sup> Similarly,

<sup>291</sup> Gagnon, Robert J. *The Bible And Homosexual Practice: Texts and Hermeneutics*, 96.

<sup>292</sup> Gagnon, Robert J. *The Bible And Homosexual Practice: Texts and Hermeneutics*, 154 n.249.

we are not persuaded by those who argue that, in chapter 3, Ruth enticed Boaz into a pre-marital sexual relationship, since there is no compelling evidence that the relevant phrase in 3:2, 7, 'Then go and uncover his feet and lie down,' has any sexual connotations.

#### 7.6.3.2.4 *David and Jonathan*

The relevant texts are found in 1 Samuel 18-23. These texts have been read by some as describing a homosexual relationship between David and Jonathan. However, there is no necessary element of the text requiring this reading. There is always a danger of reading into a text what you want to take from it and without an explicit statement of homosexual activity between David and Jonathan it seems better to read these texts as celebrating the glory of a non-sexual friendship between two men. As Gagnon notes:

Why were the narrators unconcerned about a hint of homosexual scandal? The answer is obvious: nothing in the stories raised any suspicion that David and Jonathan were homosexually involved with one another. Only in our day, removed as we are from ancient Near Eastern conventions, are these kind of specious connections made by people desperate to find the slightest shred of support for homosexual practice in the Bible.<sup>293</sup>

#### 7.6.3.2.5 *David and Bathsheba*

This narrative and its tragic consequences are recorded in 2 Samuel 11-19. David commits adultery and murder and is judged by Yahweh. This dreadful account highlights Yahweh's judgement and punishment of heterosexual offences. The Old Testament is not only against homosexual sexual activity, although it is against homosexual sexual activity, the Old Testament is pro-marriage and against all forms of human sexuality outside marriage.

#### 7.6.3.2.6 *Polygamy*

There are four major figures in the Old Testament story

<sup>293</sup> Gagnon, Robert J. *The Bible And Homosexual Practice: Texts and Hermeneutics*, 154.



who engage in polygamy: Abraham, Jacob, David and Solomon. The Old Testament story is not simply that of a progression from polygamy to monogamy. Rather, the Old Testament records for us the failures of these major figures, as examples for us. In none of these cases is polygamy commended when it is practised, nor is the outcome of polygamy approved or held in any sense to be good. Neither polygamy nor concubinage are commended in Scripture and these practices do not challenge the consistent rejection of all sexual behaviour outside marriage presented in the Old Testament.

#### 7.6.3.2.7 *Chronicles*

1 & 2 Chronicles retell the story of the people of Israel from the rise of Saul to the exile. The contrast in perspective between Samuel, Kings and Chronicles is marked. Chronicles is a more humanly focused account of the monarchy in Israel and Judah, yet not without theological significance. For our purposes, Chronicles does nothing to lift the unremitting opposition of the Old Testament to any and all forms of human sexual activity outside marriage. The relevant narratives are sufficiently parallel to the Samuel and Kings accounts, upon which we have already commented.

#### 7.6.3.2.8 *Ezra and Nehemiah*

These may be described as revival texts. They are set post-exile and describe the return from exile and the initial re-establishment of Jerusalem and Israel. Ezra 9 and 10 take up the challenge of inter-marriage between the people of Israel and the surrounding nations. Ezra 9:1 uses the term 'abominations', familiar from Leviticus 18:22, 20:13 and Ezekiel 16. This suggests that the problem here is not merely marrying outside the clan but adopting the sexual practices and customs of non-Israelite peoples. For Israel, human sexuality is to be restricted to that between one man and one woman within the relationship of marriage, all else falls under the term 'abomination.' Both Ezra and Nehemiah (Nehemiah 10:30 and 13:23-31) adopt a zero tolerance approach to any expressions of extra-marital human sexual activity, which is by now no more than we would expect in the Old Testament.

#### 7.6.3.3 *The Wisdom or Poetic Books*

The five books of Job, Psalms, Proverbs, Ecclesiastes and Song of Songs are grouped together under this heading. We note that Job and Psalms do not add to our consideration of human sexuality within the Old Testament.

##### 7.6.3.3.1 *Proverbs*

Chapters 2, 5 and 7 of Proverbs have much to say about the dangers of the 'forbidden woman' (2:16; 5:3; 7:5). The woman is described in 2:16 as an 'adulteress',<sup>294</sup> which may imply that she is married although, in the light of Exodus 20:14, this is not a necessary conclusion. The implication is that the son being given the advice is not married but is a young man just beginning to make his way in the world. We might therefore imagine two consenting adults engaging in sexual activity, which here is repeatedly and strenuously described as 'iniquities' and 'lack of discipline' (5:22-23) and as 'costing him his life' (7:23, 27). Such behaviour is not the way of Yahweh and is a rejection of wisdom.

##### 7.6.3.3.2 *The Liturgical texts*

There are five books which have been associated with five liturgical seasons; Songs with Passover, Ruth with Pentecost, Ecclesiastes with Tabernacles, Lamentations with the fall of Jerusalem and Esther with Purim. In the Christian canon, we read Ruth and Esther as historical texts, Songs as a poetic text and Lamentations as a Prophetic text. This should not negate insights for exegesis gained from their liturgical use by the framers of the Hebrew canon.

##### 7.6.3.3.3 *Ecclesiastes*

Ecclesiastes, is a text that engages in a search for meaning. All that happens 'under the sun' is considered and the author longs to escape from 'vanity,' or emptiness, 12:13-14. The wise life is one lived in obedience to God, keeping his commandments. All will come to judgement, implying that only what is in keeping with God's commandments will endure the judgement. The author writes in 2:8 of experimenting with self-indulgence but in 2:11 this

<sup>294</sup> 'Adulteress' is the term used in most common English versions for the term in 2:16b.

self-indulgence with extra-marital sexual partners is condemned as ‘vanity and a striving after wind, and there was nothing to be gained under the sun’. Tabernacles, in common with the other harvest festivals emphasises dependence upon Yahweh for all life; a theme in keeping with a submission to God’s commandments.

#### 7.6.3.3.4 *Song of Songs*

Passover is a celebration of the Exodus, in particular the specific event of Yahweh passing over the houses of the Israelites while visiting death on the houses of the Egyptians. The Old Testament celebration of Passover and as it is taken up in the New Testament at the Lord’s Supper is a celebration of the particular salvation we each one enjoy following the gracious work of the Lord for us. This salvation occurs within an intimacy of relationship between the Lord and those he will save. Human sexuality is a powerful expression of the most intimate relationship we enjoy and is therefore the highest and best metaphor to describe the relationship we have with our Saviour God.

There is nothing in the text of Song of Songs which requires us to believe that the Lover and the Beloved are not married. Indeed, starting from Torah and its profound rejection of all unmarried human sexual activity, it is unimaginable that we should find within the canon a warm commendation of sexual promiscuity. Song of Songs does not promote sexual licence of any kind but upholds the highest understanding of human sexuality as the appropriate picture for our intimate relationship with our God. It hardly needs saying that the relationship celebrated in the Song is only a male female relationship.

#### 7.6.3.4 *The Prophets*

The books in our canon described as the Prophets are Isaiah, Jeremiah and Ezekiel, together with Lamentations, Daniel and the 12 so called minor Prophets. We can here take Ezekiel and Hosea as two examples from this part of the canon.

##### 7.6.3.4.1 *Ezekiel 16*

The purpose of the chapter is made clear in verse 2, ‘Son of man, make known to Jerusalem her abominations,’ using the same term for abominations as found in Leviticus

18:22 and 20:13. The rejection of Yahweh by Jerusalem is described by the Lord saying, in 16:15, that Jerusalem, ‘played the whore’. Jerusalem is also likened to Sodom, in verses 48-51. Once again the same term ‘abomination’ is used to describe the sin of Sodom and the sin of Jerusalem. Sodom is the standard example of wickedness throughout the Old Testament. As we saw earlier, their wickedness included the abomination of homosexual practice, although this was not the only sin of Sodom, as is made clear in 16:49-50. When Jerusalem is being charged with unfaithfulness to Yahweh, this is the example used to illustrate the seriousness of the charge against Jerusalem. Indeed as Gagnon writes:

The passage [Ezekiel 16] does not explicitly state that the “abomination” consisted of a failure to attend to the poor and needy. Since the Hebrew word for “abomination” (tôcêbâ) is the same word used in the Levitical prohibitions for homosexual intercourse, it is conceivable that Ezekiel is alluding to the same. The overtone of sexual immorality in the surrounding allegory lends support for such an interpretation.<sup>295</sup>

##### 7.6.3.4.2 *Hosea*

Hosea is a more compact prophetic condemnation of the children of Israel, using marital unfaithfulness as expressed in prostitution as the core metaphor for the unfaithfulness of the people. Engaging in marital unfaithfulness is the appropriate picture for rejection of Yahweh.

In this section of Scripture, then, we find that the prophets use Torah as the foundation upon which they charge the people of Israel and Judah with unfaithfulness to Yahweh. Marriage remains the only commended expression of human sexuality, all other forms of human sexuality add to the sin of the people as a whole. Sexual immorality is used as a standard metaphor for unfaithfulness to Yahweh.

##### 7.6.3.5 *Old Testament Conclusion*

Torah, the first five books of the Old Testament, have a foundational role within the Old Testament. All the other books and parts of the Old Testament respond to Torah.

<sup>295</sup> Gagnon, Robert J. *The Bible And Homosexual Practice: Texts and Hermeneutics*, 80-81.

The Old Testament can be viewed as a fourfold account of the relationship between God and his creation (Creation, Fall, Redemption and Final Judgement).<sup>296</sup> God is Creator and has both authority over his creation and the responsibility to guide and direct his creation. The Fall is a crisis point in the narrative. As a consequence of the Fall, creation is not what it once was, humanity has fallen into sin and the image of God within us has been damaged. If there was no Fall, then neither Redemption nor Final Judgement make any sense. Redemption is an undoing of the effects of the Fall, preparing human beings for God's eschatological future. Our reflections upon human sexuality must take place within this Old Testament framework.

Our human sexuality has suffered because of human sin. All human sexuality now is victim to selfishness, greed, manipulation. Our expressions of human sexuality are not wholly sinful and are not as warped as they could be, but none of them are free from the effects of our sinful natures. God's purpose, expressed in covenant and grace within the Old Testament is to redeem and, within that redemption, to renew our human sexual activity.

Our human sexuality has been created by God and is a good gift of God. God has designed humanity and intends our human sexuality to be celebrated and enjoyed within marriage, between one man and one woman. The Old Testament recognises that humans have never submitted to this foundational instruction of God and every possible expression of human sexuality is reported within the pages of the Old Testament. It is simply not true that the Old Testament is only against homosexual practice. The Old Testament does call homosexual practice an abomination, but this is done as part of a rejection of all forms of human sexuality outside marriage, between one man and one woman.

The missional purpose of the Old Testament is that through Abraham, through the people of God living as

the people of God, the blessing of God would go out to all nations. The exercise of our human sexuality is part of our living as the people of God. What we do with our bodies is not a private matter but will influence our communities and our living together as God's people. The message of the Old Testament is clear; we are to submit the exercise of our human sexuality to that intended by God, to be celebrated and enjoyed, between one man and one woman, within the relationship of marriage.

#### 7.6.4 New Testament Passages

The New Testament Church adopted Old Testament standards of sexual behaviour, including what those standards said about sexual immorality in general and homosexual activity in particular, in lists of behaviours unacceptable to God.

##### 7.6.4.1 The Lord Jesus and the Gospels

It is often argued that, because Jesus does not specifically condemn homosexuality, it must be acceptable to him. That view, however, overlooks the fact that Jesus said, in Matthew 5:17, 'Do not think that I have come to abolish the Law or the Prophets; I have not come to abolish them but to fulfill them.' As a first century Jewish male, Jesus would have been thoroughly aware of the content of the Scriptures of the Old Testament, in particular the five books of Torah. His silence on the subject would have been understood by his contemporaries to mean that he was in total agreement with the teaching of Scripture.<sup>297</sup>

This is demonstrated by Matthew 5:27-32, where Jesus deals with adultery and divorce. In these antitheses, the Lord Jesus is not revising the Torah but is calling his disciples to lives of holiness, 'Jesus, who wishes to instil holiness, does demand more than the decalogue.'<sup>298</sup> The

<sup>297</sup> The four Gospels do not claim to record every word spoken by the Lord Jesus and so we cannot assume that the absence of comment on homosexual activity in the four Gospels means that the Lord Jesus never at any time commented on this subject.

<sup>298</sup> Davies, W.D. & Allison, Dale C., *The Gospel According to Saint Matthew* (Volume 1: Introduction and Commentary on Matthew I-VII) (Edinburgh: T.&T. Clark, 1988), 522.

<sup>296</sup> See comment on Genesis 3, 20/74.

way of discipleship as taught by Jesus is not simply that of a first-century Jewish Rabbi but is an upholding of the law. As Davies and Allison write of the purpose of 5:21-48:

Its primary function is, quite simply, two-fold: to show, through six concrete examples, (i) what sort of attitude and behaviour Jesus requires and (ii) how his demands surpass those of the Torah without contradicting the Torah.<sup>299</sup>

It is also of interest to note that verses 27-28 apply both to men and women, which would have been unusual in the ancient world:

In the ancient world generally it was held that a married man could have sexual adventures as long as they did not involve a married woman (which would mean violating the rights of her husband). A woman, however, was expected to have no such relations; she should be chaste before marriage and faithful after it. The command Jesus cites makes no distinction; people of both sexes were to remain faithful.<sup>300</sup>

The teaching of the Lord Jesus on lust and adultery is radically counter cultural and calls the disciple of the Lord Jesus to the highest understanding of Torah in behaviour and motive. The divorce logion, Matthew 5:31-32, which has parallels in Matthew 19:9, Mark 10:11-12 and Luke 16:18, similarly does not contradict the teaching of Torah but calls the disciples of the Lord to the highest levels of obedience. Divorce, of course, is not commanded in Torah but was permitted under certain circumstances, as we see in Deuteronomy 24:1-4. In Matthew 5:32, 'sexual immorality', referring to sexual practice outside marriage, is given as the permitted cause for divorce. Jesus appears to be saying that, whatever culturally acceptable causes for divorce may be in vogue, divorce is not acceptable for a Christian disciple. Indeed, a disciple is not commanded to

divorce a sexually immoral partner, but may do so. Divorce can never be a casually considered option for a disciple. Of interest is the comment of Davies and Allison in the course of their six pages of exposition of the two verses in Matthew 5:31-32:

According to Erasmus and most Protestant scholars since his time, Matthew allows the innocent party to divorce and remarry in the event of adultery. According to the almost universal patristic as well as Roman Catholic opinion, Matthew permits only separation for adultery, not remarriage...In our judgement, the issue cannot, unfortunately, be resolved on exegetical grounds: Matthew's words are simply too cryptic to admit of a definitive interpretation.<sup>301</sup>

It is this exegetical fact that gives rise to a legitimate range of Christian opinion on divorce and remarriage. Other passages in the Old Testament and New Testament are not so cryptic and permit no breadth of interpretation on sexual ethics. At the very least, we can say of Jesus that he fully supports and upholds the teaching of Torah about the restriction of sexual practice to within marriage.

The Old Testament law books prescribe the death penalty for homosexuality (Leviticus 20:13), adultery (Leviticus 20:10) and prostitution (Leviticus 21:9). While Jesus condones neither practice, the Gospels record instances where Jesus did not demand the death penalty for people practising adultery or prostitution. There is no recorded instance of him overturning the law's requirement for homosexual conduct. It is clear from Jesus' teaching (on divorce, for example) that the only valid outlet for human sexual behaviour (thoughts as well as actions) belongs within the relationship of one man and one woman joined in marriage.

Speaking of the Mosaic Law, Josephus writes:

The Law recognises no sexual connections except

<sup>299</sup> Davies, W.D. & Allison, Dale C., *The Gospel According to Saint Matthew*, 508.

<sup>300</sup> Morris, Leon, *The Gospel according to Matthew* (Leicester: Apollos, 1992), 117-118.

<sup>301</sup> Davies, W.D. & Allison, Dale C., *The Gospel According to Saint Matthew*, 529.

for the natural union of man and wife, and that only for the procreation of children. But it abhors the intercourse of males with males, and punishes any who undertake such a thing with death.<sup>302</sup>

It is likely that this represents a widely held Jewish view of human sexuality at the time of the Lord Jesus. There is no evidence in the Gospels or elsewhere that the Lord Jesus held any different opinion on this matter.

#### 7.6.4.2 Acts 15 and Galatians 2

At the Council in Jerusalem, the requirement of circumcision being placed by some upon Gentile converts is discussed by the apostles and others. This is described by Peter as, 'placing a yoke upon the neck of the disciples...' (Acts 15:10). In Galatians 2, Paul rebukes Peter publicly for his withdrawal from table fellowship with Gentile believers (Galatians 2:11-14), in particular Paul asks Peter, 'how can you force the Gentiles to live like Jews?' (2:14). N.T. Wright on this passages writes:

Paul is clear as to the implication of Peter's withdrawal. Peter is saying, in effect, to the ex-pagan Christians, "if you want to be part of the real family of God, you are going to have to become Jewish." He is "compelling them to Judaize" (2:14c) – the very thing which the "agitators" are trying to do to the Galatians.<sup>303</sup>

It is a matter of contemporary debate whether Second Temple Judaism considered Sabbath observance, food regulations and circumcision as markers of Jewish ethnicity or as works of the law required for salvation. Whatever our decision on this exegetical debate, the conclusion of the Jerusalem council in Acts 15 is clear, as the apostle James concludes the council with the decision to write to Gentile believers, 'to abstain from the things polluted by idols, and from sexual immorality, and from what has been strangled, and from blood.' (Acts 15:20) The restrictions upon sexual behaviour, as we have described them from our study of the Old Testament, were to be maintained by Christian

believers, whether Jews or Gentiles.

#### 7.6.4.3 Romans 1:18-32

Dealing as it does with both male homosexual behaviour and lesbianism, Romans 1:24-27 is the most substantial and overt discussion on homosexual practice in the New Testament, if not in the Bible. As such, it is widely considered by members of the 'One Holy Catholic and Apostolic Church,' of which our Church is a part, to be important in informing Christian ethics. In the passage, homosexual activity is shown to be (i) the result of sin, (ii) an indication of how far someone has strayed from God and (iii) a punishment from God.

Homosexual practice is presented in Romans 1 as both shameful and unnatural. Human wickedness (unrighteousness) is contrasted with God's righteousness and is apparent in humanity's refusal to honour God (1:21). Romans 1 shows God to be:

A righteous God who creates human beings for obedience to his purposes, grants them freedom to rebel, stands in righteous judgement of their rebellion, and manifests his "wrath" by allowing them to suffer the just consequences of their sin.<sup>304</sup>

These aspects of God must be held in tension with the image Paul develops later in the letter of a merciful God.

Human beings are alienated from God as a result of their basic rebellion against him, which is demonstrated in their refusal to honour him. All other depravities and moral perversion grow out of this basic rebellion. In his wrath, God abandons the rebellious to their own devices. This is the import of the expression, 'God gave them up' in verses 24, 26 and 28. The usual meaning of the Greek word translated in Romans 1 as 'gave up' or 'abandoned' (*paradidōmi*) is to abandon to imprisonment, slavery, death, abandonment or judgement and so Paul's use of the term would have indicated to his original readers how serious the matter was.<sup>305</sup> The key question here is

<sup>302</sup> Hays, Richard B., *The Moral Vision of the New Testament* (Edinburgh: T.&T. Clark, 1996), 387.

<sup>303</sup> Wright, N.T., *Justification: God's Plan and Paul's Vision* (London: SPCK, 2009), 94.

<sup>304</sup> Hays, Richard B. *The Moral Vision of the New Testament*, 396.

<sup>305</sup> Gagnon, Robert J. *The Bible And Homosexual Practice: Texts and*

God's restraint of sin. Some commentators have taken the repeated refrain 'God gave them up' (ὁ θεὸς παρέδωκεν) to mean that, in those instances, God withdrew his restraining common grace and allowed sin full and free reign in the lives of those individuals, effectively permitting them to become what they truly wanted to be in their hearts. The tenth commandment tells us not to covet and the apostle Paul suggests elsewhere that sin responds by producing covetous desire in us (Romans 7:7-9). Such covetous desire includes unnatural sexual desire.

The rebellion (ungodliness and unrighteousness) which Paul speaks of in Romans 1:18 is not individual rebellion but the rebellion of the whole of humanity; thus when he speaks of homosexuality as unnatural, he means what he says. He is not getting into a discussion as to what might or might not seem natural to any one individual, he is saying that homosexuality is against the creation order for all people. He is not discussing the question of orientation, a concept foreign to the New Testament.

The condition of those Paul is describing in these verses is highlighted in verses 21-23: 'For although they knew God, they did not honor him as God or give thanks to him, but they became futile in their thinking, and their foolish hearts were darkened. Claiming to be wise, they became fools, and exchanged the glory of the immortal God for images resembling mortal man and birds and animals and reptiles.' It was not ignorance of God that caused their rebellion and rejection; rather it was their rebellion against and rejection of God that caused them to be ignorant.

Paul illustrates his point by reference to homosexual behaviour. The creation narrative points to male and female as normative, thus the practice of homosexuality is a rejection of Creator God and creative order. He uses this illustration to demonstrate the growing power of sin in the life of the unbeliever or apostate as the antithesis of the power of the Holy Spirit in the life of the believer. Paul decries the unnatural desire of female for female or

male for male as substituting truth for untruth. There is a progression here: first, a turning away from the truth and the believing of lies; second an intellectual confusion, in which fools think that they are truly wise, then a collapse into idolatry. Following this, God gives them up and leaves them mired in sin. Homosexual acts are recognised to be part of this desperate, fallen condition from which men and women need to be redeemed.

Nevertheless, Paul indicates that there is an answer to the rebellious human heart, in the gospel. As he reminds us in Romans 6, since Jesus lived, died and rose again, believers have been brought from death to life and are no longer 'slaves to sin,' no longer in the grip of the results of the Fall. This shift from death to life described by Paul, the movement from 'slavery to sin' or 'slavery to righteousness,' is a gift from God and a grace-enabled calling for every Christian. As Gagnon says:

A transformed existence that entails death to self and life for God is both a free gift and a grace-empowered requirement for those adopted into God's family.<sup>306</sup>

#### 7.6.4.4.1 Corinthians 6

Corinth had a reputation for commercial prosperity but also for sexual immorality. The Greek language at the time had a word (*korinthiazesthai*) that translates as 'to live like a Corinthian,' meaning to live a life of drunken and immoral debauchery. At an earlier time, Corinth had a temple to Aphrodite, the Greek goddess of love, beauty and sexuality and a great many prostitutes (perhaps thousands) lived in the city, many of whom belonged to this temple. The immoral legacy of Aphrodite's temple lived on.

In verse 9 Paul is giving examples of those who will not inherit the Kingdom of God. In this list he uses two terms which are of particular relevance in our study. One of the difficulties is that neither Greek nor Hebrew had a word equivalent to our word 'homosexual'. *Malakoi* (translated here as 'male prostitutes') is pejorative slang for the passive

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*Hermeneutics*, 233.

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<sup>306</sup> Gagnon, Robert J. *The Bible And Homosexual Practice: Texts and Hermeneutics*, 245.

partner in homosexual activity. *Arsenokoitai* (literally 'men who sleep or lie with males' and translated 'homosexual offenders') is thought to be a Greek translation of the Hebrew *mishkav zakur* ('lying with a male' as in Leviticus 20:13: 'If a man lies with a man as one lies with a woman, both of them have done what is detestable. They must be put to death; their blood will be on their own heads.')

In 6:9-11, Paul warns the Corinthian Christians they will incur the judgement of God if they continue in sinful lifestyles. They will have no place in God's kingdom: 'Do you not know that the unrighteous will not inherit the kingdom of God? Do not be deceived: neither the sexually immoral, nor idolaters, nor adulterers, nor men who practice homosexuality, nor thieves, nor the greedy, nor drunkards, nor revilers, nor swindlers will inherit the kingdom of God. And such were some of you. But you were washed, you were sanctified, you were justified in the name of the Lord Jesus Christ and by the Spirit of our God.' Notice, some of the Corinthians had been delivered from the sins described in these verses. For our purposes, it is interesting to see that among these are some who were homosexual offenders.

Corinthian society had both male prostitutes (boys and young men who gave themselves sexually to older men for money) and homosexuals (people in same-sex relationships). Paul's warning is a call to Christians to separate themselves from such practices. Such relationships in Corinth, and elsewhere in the first Century world, were not unknown and were often publicly recognised. Indeed many same-sex relationships of the time could be described as long-standing and exclusive. In his warning against homosexual practice, Paul is warning against all kinds of same-sex relationship whatever their public standing or acceptance.

According to Hellenistic philosophy, the spirit was important, not the body. This led some to believe that the body could be used in any way, without damaging or endangering the spirit. This way of thinking meant the body could be given over to uninhibited sensual pleasure without consequence. Paul, in 6:12-20, challenges this view

stating that the body is for God and is the temple of the Holy Spirit, therefore, the body is holy and set apart for God. The body, Paul argues, belongs to God and should be used in the way God wants bodies to be used. He states that, contrary to public opinion and common understanding, to sin sexually is to sin against the body. He reminds the Corinthians of the great cost to God of their redemption and urges them instead of sinning against their own bodies, to use their bodies to honour God. As he says in 6:20, 'for you were bought with a price. So glorify God in your body'.

#### 7.6.4.5 1 Timothy 1:8-11

In these verses, Paul<sup>307</sup> reinforces the importance of the law of God and lays out the various vices to be condemned:

Now we know that the law is good, if one uses it lawfully, understanding this, that the law is not laid down for the just but for the lawless and disobedient, for the ungodly and sinners, for the unholy and profane, for those who strike their fathers and mothers, for murderers, the sexually immoral, men who practice homosexuality, enslavers, liars, perjurers, and whatever else is contrary to sound doctrine, in accordance with the glorious gospel of the blessed God with which I have been entrusted.

This again shows clearly that homosexual behaviour is sin. It is not singled out for special treatment and there is no indication that it is any worse than any other sin, no more nor less sinful than either murder or gossip but we cannot escape the fact that it is clearly presented as sinful. Paul writes out of pastoral concern for his reader, identifying sinful behaviour for what it is. He is not judging from some lofty moral high ground, of that we can be confident because elsewhere he states that he is a greater sinner than anyone else (1 Timothy 1:15). At the same time, he does not in any way trivialise or condone any form of sexual immorality, including homosexual behaviour.

<sup>307</sup> It has become common in contemporary scholarship to dispute the Pauline authorship of 1 Timothy. Since the exposition of the verses here does not depend upon this question we will not seek to defend Pauline authorship here.

### 7.6.5 New Testament Conclusion

The New Testament passages we have considered stand in a high degree of continuity with the Old Testament and its teaching on human sexuality.

There is nothing in the New Testament to suggest any change in treating human sexuality as a gift of God which is to be celebrated within the relationship of marriage between one man and one woman. It is in this context that same-sex relationship or homosexual activity is discussed. While it is possible to claim that the low level of comment on homosexual activity in the New Testament demonstrates that this was not a major concern of the early Church, it is equally possible to claim that this low level of comment arises because the condemnation of homosexual activity was not a contentious matter in the early Church.

The New Testament vision of the Christian life is of human life being transformed by the presence of the Spirit and the experience of forgiveness through the death and resurrection of the Lord Jesus. This transformation of life was expected to reach to every part of a disciple's humanity, including the expression of human sexuality. While in the world there was much promiscuity and sexual licence, it was not to be so among the disciples. Rather, disciples were to be made holy with the same holiness that belongs to God; (1 Peter 1:14) those becoming the children of God were to live in sexual purity, exercising sexual restraint outside the marriage relationship between one man and one woman.

### 7.7 Conclusion

The Church of Scotland affirms Scripture as its primary standard for decision-making, against which to measure the adequacy, or otherwise, of any potential decisions made within the courts of the Church, including its supreme court, the General Assembly. It also affirms the *Westminster Confession of Faith* as its 'principal subordinate standard'. The *Confession* provides a summary of what the Church understands Scripture to teach.<sup>308</sup> All decisions

made by the Church ought therefore to be in accord with the Scriptures of the Old and New Testaments and with the *Westminster Confession of Faith*. Indeed, the *Articles Declaratory of the Church of Scotland* state clearly that, although the Church has the inherent right to formulate or modify its doctrinal position, any such modification must be 'always in agreement with the Word of God and the fundamental doctrines of the Christian Faith contained in the said Confession'.<sup>309</sup> We do not believe that the Revisionist trajectory is in agreement with the Scriptures, nor with the *Confession* and therefore it is at odds with 'the fundamental doctrines of the Catholic faith' founded upon the Scriptures.<sup>310</sup> For these reasons, we believe that the General Assembly of the Church of Scotland ought not to affirm the Revisionist trajectory.

In writing this section of the Report, we have been motivated by a commitment to the authority of the God and Father of our Lord Jesus Christ speaking, by the Holy Spirit, through the Scriptures of the Old and New Testaments, and would call the Church of Scotland to a renewed hearing of the "Preface" of the *Scots Confession* (1560), where the *Confession* affirms:

[T]hat if any man will note in our Confession any chapter or sentence contrary to God's Holy Word, that it would please him of his gentleness and for Christian charity's sake to inform us of it in writing; and we shall give him satisfaction from the mouth of God, that is, from Holy Scripture, or else we shall alter whatever he can prove to be wrong.

This has been our position throughout the debate within the Theological Commission. In continuity with the humble spirit of this first *Confession* of the Church of Scotland we desire to believe what is revealed by God in his Word and as members of a Theological Commission

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Article II.

<sup>309</sup> *Articles Declaratory of the Constitution of the Church of Scotland: Article V.*

<sup>310</sup> *Articles Declaratory of the Constitution of the Church of Scotland: Article I.*

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<sup>308</sup> *Articles Declaratory of the Constitution of the Church of Scotland:*



have sought to understand Scripture and Christian theology better, as it bears upon the matter before us.

We offer the following considerations as the foundation upon which the General Assembly ought to decide to depart from the Revisionist trajectory: 1) Biblical and Theological Basis; 2) Ecumenical Basis, and 3) The Unity and Peace of the Church.

### 7.7.1 Biblical and Theological Basis

The primary remit of the Theological Commission was to examine the biblical and theological issues which have a bearing on the matter of same-sex relationships and the ministry. The Convener of the Special Commission, Lord Hodge, in giving his Report to the General Assembly of 2011, said that the Special Commission was convinced that these issues were vital to enable the Church to reach a decision on these matters and hence advocated the setting up of the Theological Commission and said that no final decision should be made until the Report of the Theological Commission was presented to the General Assembly of 2013. The General Assembly of 2011 resolved 'to consider further the lifting of the moratorium on the acceptance for training and ordination of persons in a same-sex relationship'.<sup>311</sup> However, this resolution should not be understood as the Church of Scotland having already chosen a definitive trajectory which cannot thereafter be reversed. The Report of the Special Commission states:

We emphasise that, if the General Assembly of 2011 adopts either of these trajectories, there is always the possibility that the later General Assembly, which considers the further work which we have recommended, may take a different view.<sup>312</sup>

Having given ourselves to the study of these biblical and

theological issues, we believe that the General Assembly of 2013 should indeed take 'a different view' and reject the trajectory tentatively chosen in 2011. We have set out above our understanding of how that study bears upon the matter of same-sex relationships and the ministry. We have also spent considerable time in reading and discussing the arguments presented by those on the Theological Commission who seek to persuade the Church to abandon her long held position on this matter. Our conclusion is that the biblical and theological arguments overwhelmingly lend themselves to an affirmation of the Church's present position and that the arguments for continuing the Revisionist trajectory are insufficiently compelling for the Church to change that position. We therefore invite the Church to depart from the Revisionist trajectory.

### 7.7.2 Ecumenical Basis

The Church of Scotland understands itself to be part of the 'One Holy Catholic and Apostolic Church' and it is clear that the overwhelming majority of members of the 'One Holy Catholic and Apostolic Church' worldwide remain persuaded that the Traditionalist position is the one that is in accordance with Scripture. We fear that to depart from the Traditionalist position would severely impair the communion of the Church of Scotland with fellow Christians in the 'One Holy Catholic and Apostolic Church', and be viewed as a departure from Scriptural teaching by many who regard the Church of Scotland as the 'mother Church' of world Presbyterianism. Many of the ecumenical partners of the Church of Scotland were horrified by the decision of the General Assembly of 2011, as indeed were a significant number of the ecumenical delegates present at the Assembly and would be appalled if the Revisionist trajectory were to be continued. Equally, we believe that our communion with other members of the 'One Holy Catholic and Apostolic Church' would be impaired, including: the Roman Catholic Church, the Orthodox Churches, the United Free Church of Scotland, the Free Church of Scotland, the Scottish Baptist Union, as well as many within the Anglican Communion. Thus, given that a decision to affirm the Revisionist trajectory would severely impair the communion of the Church of Scotland within

<sup>311</sup> *Reports to the General Assembly of the Church of Scotland 2011 II*, 24-25.

<sup>312</sup> *Reports to the General Assembly of the Church of Scotland 2011*, (Special Commission on Same-Sex Relationships and the Ministry) 23/42.

the 'One Holy Catholic and Apostolic Church', the General Assembly ought not to affirm the Revisionist trajectory.

### 7.7.3 The Unity and Peace of the Church of Scotland

It is clear from the debates at the General Assemblies of 2009 and 2011 that the Church of Scotland is deeply divided on issues of human sexuality. Indeed, the Report of the Special Commission states:

The responses to the consultation exercise show that the Church is very divided on the issue of same-sex relationships. We, the members of the Special Commission, are agreed that the responses do not give strong support for a radical shift in position on the ordination of people involved in same-sex relationships. Certainly, they give no basis for a regime which would require a congregation, against its wishes, to accept as its minister a person who was in a same-sex relationship.<sup>313</sup>

Since the General Assembly of 2011, our Church has suffered greatly from disharmony and disunity arising directly from the decision to choose the Revisionist trajectory. Some ministers, elders and members have already left the Church of Scotland and others will do so if the Revisionist trajectory is upheld. The Church is thus faced with a Disruption, something which has not occurred since 1843.

In the act of Ordination, a prospective minister of Word and Sacrament, or a Deacon, is asked, amongst others, the following question:

Do you promise to seek the unity and peace of this Church; to uphold the doctrine, worship, government and discipline thereof; and to cherish a spirit of love towards all your brothers and sisters in Christ?<sup>314</sup>

Similarly, in the act of Ordination a prospective Elder is asked:

<sup>313</sup> *Reports to the General Assembly of the Church of Scotland 2011*, (Special Commission on Same-Sex Relationships and the Ministry) 23/37.

<sup>314</sup> Weatherhead, James L, *The Constitution and Laws of the Church of Scotland*, 164.

Do you believe the fundamental doctrines of the Christian faith; do you promise to seek the unity and peace of this Church; to uphold its doctrine, worship, government and discipline; and to take your due part in the administration of its affairs?<sup>315</sup>

In these vows the prospective Elder, Deacon and minister of Word and Sacrament is asked to promise that they will seek 'the unity and peace of this Church'. We believe that the 'unity and peace of this Church' is threatened by the prospect of the affirmation of the Revisionist trajectory, and we would urge all Elders, Deacons and ministers of Word and Sacrament to take into consideration the significance of this matter in the making of any decision in relation to matters of human sexuality.

### 7.7.4 Conclusion

In the light of the Biblical, Theological and Ecumenical Bases, and in the light of a consideration of the Unity and Peace of the Church of Scotland, and given that the Theological Commission is not persuaded, unanimously or by a majority, that the Church ought to depart from the Traditionalist position in relation to matters of human sexuality, we therefore conclude that the General Assembly of 2013 ought to depart from the Revisionist trajectory.

GORDON KENNEDY  
JANE McARTHUR  
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## 8. The identity of the Church of Scotland within the communion of the 'One Holy Catholic and Apostolic Church': Towards a Conclusion on Issues of Human Sexuality

### 8.1 Divergence in Interpretation

In the addressing of issues of human sexuality within the context of this Report it will be evident to the reader that the interpretations offered in: "(6) Addressing Issues

<sup>315</sup> Panel on Worship, *Book of Common Order of the Church of Scotland*, 337.

of Human Sexuality within the communion of the 'One Holy Catholic and Apostolic Church': The Revisionist Case", and; 7) "Addressing Issues of Human Sexuality within the communion of the 'One Holy Catholic and Apostolic Church': The Traditionalist Case", are at variance with one another. Equally, it will be evident that the theological method through which these divergent interpretations might be reconciled does not immediately present itself. That said, the Revisionist and Traditionalist interpretations each hold that they offer a particular and compelling account of the nature of the God who is Love (1 John 4: 16), and whose Son 'was incarnate... for our salvation', and whose Spirit is 'the Lord and Giver of Life', known in the life of the Church where the Word is proclaimed and the Sacraments celebrated.<sup>316</sup> Within the life of the Church of Scotland we affirm that an account of that character ought to inform our understanding of what it is to be the Church. In so doing, we further affirm that the Scriptures of the Old and New Testaments ought to lie at the heart of such an account, and that the interpretations offered by Revisionist and Traditionalist require to be tested against the canon of Scripture.

### 8.2 The Implications of our Decision in relation to Issues of Human Sexuality

In reviewing the contents of this Report it will again be evident that the course taken has necessarily involved the addressing of a very considerable body of material which, whilst not immediately related to the addressing of issues of human sexuality, may be said to be required by the remit of the Theological Commission.<sup>317</sup> In addition, the Commission in the course of its discussions traversed a very considerable terrain in seeking to set the addressing of issues of human sexuality in the widest possible theological context. Thus, we have addressed, amongst other matters; the identity of the Church of Scotland as a Church within the communion of the 'One Holy Catholic and Apostolic Church', alongside; the ministry of Word and

Sacrament and the ministry of the Diaconate within the Church of Scotland understood as expressions of ministry within the 'One Holy Catholic and Apostolic Church', and; the authority of the Scriptures of the Old and New Testaments within the Church of Scotland, as interpreted within the context of the 'One Holy Catholic and Apostolic Church'. In so doing, we have sought, as stated, to set the addressing of issues of human sexuality within a context in which the implications of the answers we offer in response to the raising of these issues will be seen most clearly. So, for example, if the Church of Scotland were to affirm the Revisionist Case, it ought to do so having taken cognisance of the implications of this affirmation for the identity of the Church of Scotland as a Church within the communion of the 'One Holy Catholic and Apostolic Church'. Equally, if the Church of Scotland were to affirm the Traditionalist Case, it ought to do so having taken cognisance of the implications of this affirmation for the identity of the Church of Scotland as a Church within the communion of the 'One Holy Catholic and Apostolic Church'.

### 8.3 The identity of the Church of Scotland within the communion of the 'One Holy Catholic and Apostolic Church': The General Assembly of 2013

The Church of Scotland has now in the providence of God been brought to a point of decision with respect to the issues of human sexuality before us, and in the decision of the General Assembly of 2013, the Church may decide to continue upon the trajectory established by the decision of the General Assembly of 2011, or the Church may decide to depart from that trajectory, or to do otherwise as the General Assembly may so will. In the light of this, we trust that the nature of the decision before the Church has been helpfully clarified by this Report. Equally, the prevailing view of the majority within the Theological Commission is that it would be good for the health of the Church if a decision, in principle, were to be taken now and not further delayed. In coming to this point, we acknowledge our dependence upon the God and Father of our Lord Jesus Christ, 'trusting in the promised renewal

<sup>316</sup> Nicene Creed.

<sup>317</sup> *Reports to the General Assembly of the Church of Scotland 2011 II*, 24-25.

and guidance of the Holy Spirit,<sup>318</sup> and deeply conscious of the extent to which the decision to be made will shape the identity of the Church of Scotland within the communion of the 'One Holy Catholic and Apostolic Church'.

*In the name of the Commission*

JOHN L McPAKE, *Convener*  
ALAN D FALCONER  
J MARY HENDERSON  
GORDON KENNEDY  
JANE McARTHUR  
ANDREW T B McGOWAN  
MARJORY A MacLEAN  
JOHN P CHALMERS, *Secretary*

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<sup>318</sup> *Articles Declaratory of the Constitution of the Church of Scotland:*  
*Article 1.*

**APPENDIX I: THE PRINCIPLES OF THE PROPOSED OVERTURE** (See Deliverance, Section 2a(ii))

This summary sets out the key principles that will be set within the framework of the Overture which is to follow in the Supplementary Reports. This Appendix will therefore have to be carefully read in conjunction with the Overture when it is published. This summary, however, highlights the changes to Church law and practice which, if approved, the Overture would bring about.

**1.1** An individual who is of homosexual orientation, but not living in a same-sex relationship would be eligible to be ordained to the ministries of Word and Sacrament or the Diaconate and be inducted or introduced to a pastoral charge or appointment, on the same terms and with the same status as any other minister of Word and Sacrament or member of the Diaconate.

**1.2** An individual who is of homosexual orientation and living in a Civil Partnership would be eligible to be ordained to the ministry of Word and Sacrament or to the Diaconate and be inducted or introduced to a pastoral charge or appointment, on the same terms and with the same status as any other minister of Word and Sacrament or member of the Diaconate.

**1.3** A Presbytery could not ordain, induct or introduce a person of homosexual orientation, where that individual acknowledges that he or she is in a same-sex sexual relationship that is not a Civil Partnership.

**1.4** In the following circumstances a Kirk Session would be able, in advance, to require that applicants must affirm that they are not in a same-sex sexual relationship:

- (a) Where an appointment is as; a member of a team ministry, a locum, an ordained local minister of Word and Sacrament, a probationer minister, a Deacon, or as a student on placement, and is being made locally, or by a national body, to that congregation, or to a group of congregations, including the one whose Kirk Session wishes to impose the requirement.
- (b) Where in the normal course of events a vacancy is to be filled. This restriction may be applied by any Kirk Session or by any one of the Kirk Sessions in a linked charge.

**1.5** When a Charge is vacant the Kirk Session may impose a requirement that the Interim Moderator appointed by the Presbytery must be able to affirm that they are not in a same-sex sexual relationship and in the case of a linked Charge the Kirk Session of any one of the congregations in the linkage can impose this requirement.

**1.6** If following an appointment made in terms of section 4.4 above the requirement is broken and the person can no longer affirm that they are not in a same-sex sexual relationship, the Presbytery shall, if requested to do so by the Kirk Session, sever the pastoral tie or take other appropriate steps to end the appointment.

**1.7** Protections of conscience are also included so that:

- (a) Courts of the Church and individuals would be able to express, in sermons or elsewhere, their opposition to the principles enshrined in this legislation.
- (b) A member of a Presbytery would be able to decline, on grounds of opposition to the principles of this legislation, to attend ordinations, inductions or introductions within the bounds of the Presbytery.

**1.8** Limits to the expression of conscience are also defined so that:

- (a) No Court of the Church or individual would be able to campaign against the ordination, induction, appointment or continuation of existing service of any individual on grounds relating to his/her sexual orientation or lawful sexual activity; nor harass him or her, or his/her Civil Partner, or any member of a congregation, Kirk Session or Presbytery making such an appointment.
- (b) No member of a Court or committee of the Church would be excused any other duties or responsibilities in respect of their membership of that Court or committee as a matter of conscience in terms of this legislation.

**1.9** A subsequent change of policy by a Presbytery or Kirk Session would not prejudice the interests or affect the tenure of anyone previously ordained, inducted or introduced in terms of this legislation.

**1.10** A minister would be able to conduct within the bounds of his/her parish, or within the bounds of another parish with the permission of the minister of that parish, a service recognising the recent occurrence of a Civil Partnership ceremony; but no minister would be obliged to conduct such a service or to give permission to another minister to do so within the bounds.

**1.11** Such a service would be confined to the recognition of the Civil Partnership and intercession for the partners, and would not be designed or understood to create any further commitment or confer any further status.