

SPECIAL COMMISSION ON SAME-SEX RELATIONSHIPS AND THE MINISTRY

May 2011

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PROPOSED DELIVERANCE

The General Assembly:

1. Receive the Report.
2. Adopt as the proper approach to homosexual Christians the recommendations of the Special Commission, namely:
 - (i) *The pastoral care of homosexual Christians*
 - (1) 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.
 - (2) 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.
 - (3) 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.
 - (ii) *The eligibility of homosexual Christians to hold office*
 - (4) 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.
3. Subject to the moratorium set out in 8 below, maintain the unlawfulness of discrimination in the Church on the grounds of sexual orientation in terms of the Act anent Discrimination (Act V 2007).
4. During the moratorium set out in 8 below, allow the induction into pastoral charges of ministers and deacons ordained before May 2009 who are in a same-sex relationship.

5. During the moratorium set out in 8 below, instruct all Courts, Councils and Committees of the Church not to issue press statements or otherwise talk to the media in relation to contentious matters of human sexuality, in respect to Ordination and Induction to the Ministry of the Church of Scotland.
6. In the light of the experience of the Special Commission and, in particular, the need for a sustained theological addressing of the matters before the Church, establish a Theological Commission of seven persons representative of the breadth of the Church's theological understanding, with the task of addressing the theological issues raised in the course of the Special Commission's work; and instruct the Selection Committee to bring names to a future session of the General Assembly.
7. **EITHER:**
 - (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.
 - OR:**
 - (b) 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; and to report to the General Assembly of 2013.
8. 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 (subject to 2 above) induct any person in a same-sex relationship until 31 May 2013.
9. Thank and discharge the Special Commission.

REPORT

1. Introduction

1.1 The General Assembly of 2009 gave us the following remit:

“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.”

1.2 Those who nominated us sought to reflect the wide range of views within the Church on the issues which we were charged to consider. As a result we have had many discussions in which we have not reached unanimity of view and in which we have had to agree to differ in our views. That has not prevented us from working together closely and with mutual confidence.

1.3 We have endeavoured, in all our work, to be guided by the Holy Spirit, in discerning the will of God for the church at this time.

1.4 We are all aware that at the core of our remit is the peace and unity of the Church. We have seen it as our task to work together; we acknowledge that what we have in common greatly outweighs the matters on which we disagree; and we are united in making the recommendations which are set out in the proposed deliverance.

How we have carried out our task

1.5 We began our task by initiating a pre-consultation exercise in which we wrote to the churches and

organisations, which we listed in Appendix 3 to the Consultation Paper, seeking their comments on the issues of same-sex relationships and the Ministry. That was in order to obtain updated views so that we could accurately state the facts as we saw them in the consultation paper. We are very grateful to the Churches and organisations that devoted time and effort in responding to our requests.

1.6 In framing the consultation paper we drew on the report of the Mission and Discipleship Council, “A challenge to unity” (“the 2007 Report”), the responses from the consulted parties and literature from other denominations.

1.7 We have met regularly since June 2009, generally on a monthly basis, and have communicated with each other between meetings. We have conducted internal debates on, among other matters, (a) the terms of the consultation paper, (b) the witness of Scripture in relation to same-sex relationships and (c) the terms of this report.

1.8 As discussions within society and also in Churches have been influenced by popular understandings of what science teaches, we thought it appropriate to obtain scientific advice. We therefore commissioned, received and have debated two literature reviews on scientific understanding of the basis of sexual orientation, which we discuss in section 5 below.

1.9 As the Church operates in civil society and our society has sought to eliminate discrimination against people on several grounds, including that of sexual orientation we obtained legal opinions from the Procurator, from Brian Napier QC and from Ms Jill Bell before we issued the consultation paper. The aim of doing so was to inform the consultees of the legal context in which the Church now operates. Some consultees found it helpful to understand the legal context; others expressed concern

that the Special Commission was seeking to direct the debate by reference to the constraints imposed by the civil law. We consider that that concern was misplaced; that was not our intention. We recognise, in certain circumstances, the moral right of Christians and others on grounds of conscience, and after careful and responsible deliberation, to disobey the civil law when its strictures clash with fundamental beliefs. In exercising that option the individual has to accept the civil consequences of breaking the law.

1.10 In the light of the consultation responses we have obtained a supplementary opinion from the Procurator which we discuss in section 9 below when we discuss the legal implications of our recommendations.

1.11 While our task of consultation has focused on obtaining the views of the courts of the Church, namely the Presbyteries and the Kirk Sessions, we have also invited others to meet and address us or to express their views in writing. We met with representatives of the Youth Assembly and heard their views on the issues raised by the consultation paper. As it is homosexual Christians within the Church who are most directly affected by the issues which we have been considering, we invited those who wished to tell us their personal stories to meet us and speak to us in confidence. Over several months, we have met and spoken with homosexual Christians, who are ministers, elders or members, or who have left the Church, and also members of their families. They have told us about their experiences. We give our reflections on those meetings, which were often profoundly moving, in section 6 below.

1.12 As we had not consulted all of our partner Churches in the pre-consultation exercise, we invited comments from them on the issues which we were discussing and also from those pre-consultees who had not responded to our earlier invitation. We discuss those responses in section 4 below.

1.13 We also met, and received the advice of, Professor Oliver O'Donovan, Professor of Christian Ethics and Practical Theology at the University of Edinburgh, who has written and lectured on the debates about homosexuality within the Anglican Communion, and also Rev Dr Peter Donald, who was Convener of the Working Group which wrote the 2007 Report. We are very grateful to them for their insights and advice.

1.14 We set out in section 2 below an analysis of the responses of the Courts of the Church to the questions raised in the voting papers which accompanied our consultation paper. In the pursuit of openness, we have listed the consultation responses in more detail on the Church's website. We disclose there the responses of each Presbytery and also list, in anonymised form, under each Presbytery, the responses of each Kirk Session within its Presbytery. This will enable people to see how the individual courts of the Church voted and can supplement the understanding derived from the aggregate figures which we record in this report. We set out our brief comments on the consultation exercise in section 3 below.

1.15 We have also placed on the Church's website the texts of the two scientific literature reviews which we commissioned. We commend those reviews to readers of this report.

1.16 The presentation of the views expressed by the Presbyteries and Kirk Sessions is available on the Church's website at www.churchofscotland.org.uk/GA2011. The texts of the two scientific literature reviews are available on the Church's website at www.churchofscotland.org.uk/GA2011.

Our thanks

1.17 We could not have conducted the consultation exercise in accordance with our remit without the assistance which we received from the Clerks to the Presbyteries and

the Session Clerks, who took great pains to organise the consultation and to record accurately the views of the Courts for which they were responsible. We wish to record and thank them for their care and diligence.

1.18 We also wish to thank Mr Roy Pinkerton, who assisted us with the analysis and presentation of the responses to the consultation paper. Given the very large number of responses, we would have struggled to perform our task without his kind and professional assistance. Section 2 of this report is in large measure his work. We owe him a considerable debt of gratitude.

2. Report on the Consultation exercise

Introduction

Responses from Kirk Sessions

2.1 1237 responses were received. In a number of cases, Kirk Sessions in linked or neighbouring charges had met together to discuss the consultation document and submitted a joint response: the total number of Kirk Sessions who participated in the consultation was 1273. As there were 1473 congregations in existence at 31 December 2009 (as reported by the Legal Questions Committee to the General Assembly of 2010), this represents a response rate of just over 86%.

2.2 The total membership of the Kirk Sessions who responded was given as 34,438, of whom 22,342 took part in the discussion meetings. The respondents thus represent 64.9% of the total membership of the participating Kirk Sessions.

2.3 We have used this total of 22,342 participants as the basis for the following analysis, and in most cases the actual number of individuals who responded to each section of a question is given as a percentage of this figure. Where there have been abstentions and the number of individuals answering a particular question is less than this total, a 'no response' figure is also given.

2.4 We wish to state clearly that although exact figures are given in the following analysis this appearance of precision is to some extent illusory. In an ideal world, one might expect the sum of the responses to the various options in each question to equate to the total number of people present. However, these two figures agreed in less than half of the responses.

2.5 On the one hand, in almost half of the responses there were fewer votes cast than there were people present. This is not surprising, and can largely be explained by abstentions and spoilt papers; there were reports of individuals who refused on principle to vote, there were ministers in linked charges who voted at only one Session meeting, and a number of Session Clerks reported that the minister and Presbytery elder had not voted at the Session meeting because their views were recorded at Presbytery. Such people are represented by the 'no response' figure in the following tables.

2.6 On the other hand, in around 6% of the responses there were more votes cast than there were people present. This was particularly the case in questions 2b, 4a and 4c. It may be that some respondents took the view that they held more than one of the possible options offered or that they were seeking to indicate that their views lay somewhere between the stated options. Question 2b saw the largest number of such 'additional' votes, but a detailed analysis of the voting patterns in the responses to this question suggests that no more than 3.5% of the votes cast fall into this category, a proportion which is hardly significant. Where an individual has cast more than one vote, we have no way of knowing which options have attracted these extra votes, but there is no reason to assume that they are not spread fairly evenly across all the possible options. While the figures given below for this question, and to a lesser extent for questions 4a and 4c, therefore do not exactly represent the actual number of people voting, the general pattern of voting represented by these figures is likely to be reasonably accurate.

Responses from Presbyteries

2.7 Responses were submitted by all 43 Presbyteries within Scotland and by the Presbyteries of England and Europe.

2.8 The total membership of these 45 Presbyteries was given as 4309, of whom 2624 (60.9%) participated in the discussions. This figure of 2624 has been used as the basis of the analysis below, which follows the same pattern as that indicated above for Kirk Sessions, with 'no response' figures included where appropriate.

Format of Report

2.9 The analysis follows the order of the questions as set out in the Consultation Paper, and not as in the Voting Paper.

2.10 Although the ballot papers in the first instance present the views of individual members of Kirk Sessions and Presbyteries, it is of course also possible to determine how these courts as a whole voted. In the case of most of the questions, the analysis of the responses is set out below in four distinct sections, indicating respectively the views of individual members of Kirk Sessions, of Kirk Sessions as a whole (this was felt to be unnecessary in relation to questions 1b, 3a and 4c, and has been omitted in these sections of the report), of individual members of Presbyteries, and of Presbyteries as a whole.

*Analysis of Responses***2.11 Question 1: The Biblical Witness**

1a: *How should we think about same-sex relationships in the light of the Bible's witness to God's purposes for humanity?*

This question was not included on the voting paper, and responses were invited on a separate sheet: we discuss this in the next section.

1b: *Does this suggest that our approach to same-sex relationships should be different from our approach to remarrying divorcees, for example?*

Individual members of Kirk Sessions

The ballot paper asked for 'the approximate proportion' of those present voting for one or other of the five possible positions offered. A number of Session Clerks duly calculated the different percentages with great care. A number of others used descriptive phrases such as 'most of those present' or 'a few'. The vast majority, however, gave the actual numbers of individuals voting for each option, and as proportions and percentages cannot in any case be totalled or averaged, all responses were converted to actual numbers before being analysed. This process was not without its difficulties and required the exercise of some common sense, for example, in quantifying phrases such as 'a significant majority' or 'a few'. The actual figures given below are therefore to be regarded as being even less precise than those in the remainder of this analysis, but the general picture they present is reasonably accurate.

280 Kirk Sessions (22.6% of the total) did not complete this part of the voting paper, many Session Clerks indicating that no count was taken of responses, as it would have been difficult to gauge the measure of support for each option while retaining confidentiality.

The views of those who responded are as follows:

		% of total responses	% of those responding to this qn.
<i>Strongly agreeing that there is a difference</i>	4463	20.0%	27.6%
<i>Agreeing that there is a difference</i>	4349	19.4%	26.8%
<i>No opinion</i>	2317	10.4%	14.3%
<i>Disagreeing that there is a difference</i>	3365	15.1%	20.8%
<i>Strongly disagreeing that there is a difference</i>	1698	7.6%	10.5%
<i>No response</i>	6150	27.5%	

Individual members of Presbyteries

As was the case with Kirk Sessions, some Presbyteries found difficulty in completing this part of the ballot paper: nine Presbyteries left it blank.

The views of those who did respond are as follows:

		% of total responses	% of those responding to this qn.
<i>Strongly agreeing that there is a difference</i>	624	23.8%	30.2%
<i>Agreeing that there is a difference</i>	614	23.4%	29.8%
<i>No opinion</i>	155	5.9%	7.5%
<i>Disagreeing that there is a difference</i>	408	15.6%	19.8%
<i>Strongly disagreeing that there is a difference</i>	263	10.0%	12.7%
<i>No response</i>	560	21.3%	

Presbyteries as a whole

While the views of individual members of Presbyteries ranged widely over the various options offered, the picture is slightly different when the views of Presbyteries as a whole are considered. If the totals of those 'strongly agreeing' are combined with those 'agreeing', if those 'strongly disagreeing' and those 'disagreeing' are likewise added together, and if those with no opinion are discounted, in only four of the 36 Presbyteries who responded to this question were those who disagreed or strongly disagreed in the majority, whereas in the other 32 Presbyteries those who agreed or strongly agreed were in the majority.

2.12 Question 2: Approaches to same-sex relationships

2a: *Do you hold a clear position on same-sex relationships and how they should be regarded or do you find yourself*

uncertain as to the precise nature of God's will for the Church on this issue?

Individual members of	Kirk Sessions		Presbyteries	
Number with a clear position:	16,273	72.8%	2,033	77.5%
Uncertain:	5,563	24.9%	517	19.7%
No response:	506	2.3%	74	2.8%

Kirk Sessions and Presbyteries as a whole

In 80 Kirk Sessions those who were uncertain were in the majority and in another 45 the numbers voting for each position were identical; in all other Kirk Sessions those who had a clear position were in the majority. In every Presbytery those who had a clear position were in the majority.

2b: *Do any of the following descriptions help you to summarise your present position fairly and accurately?*

i) We regard homosexual orientation as a disorder and homosexual behaviour as sinful. Gay and lesbian people should avoid same-sex sexual relationships, and, ideally, seek to be rid of homosexual desires. Unrepentant gay and lesbian people should not have leadership roles in the church.

ii) We accept homosexual orientation as a given, but disapprove of homosexual behaviour. We do not reject gay and lesbian people as people, but reject same-sex sexual activity as being sinful. Gay and lesbian people in sexual relationships should not have leadership roles in the church.

iii) We accept homosexual orientation as a given and disapprove of homosexual behaviour but recognise that some same-sex relationships can be committed, loving, faithful and exclusive – though not the ideal, which is male-female. However, because of the different standards required of those in Christian leadership, gay and lesbian people in sexual relationships, even if civil partnerships, should not have leadership roles in the church.

iv) *We accept homosexual orientation as a given, and accept homosexual behaviour as equivalent morally to heterosexual behaviour. Civil partnerships provide the best environment for loving same-sex relationships. Gay and lesbian people, whether in sexual relationships or not, should be assessed for leadership roles in the church in an equivalent way to heterosexual people.*

v) *We accept homosexual orientation as a given part of God's good creation. The Christian practice of marriage should be extended to include exclusive, committed same-sex relationships which are intended to be life-long. Gay and lesbian people, whether in sexual relationships or not, should be assessed for leadership roles in the church in an equivalent way to heterosexual people.*

Individual members of Kirk Sessions

Numbers/percentages holding position			
	(i)	2013	8.8%
	(ii)	4120	17.9%
	(iii)	4923	21.5%
	(iv)	5591	24.4%
	(v)	4461	19.4%
Number holding none of the above		1828	8.0%

It will be noted that the total number of responses (22,936) is greater than the total number of respondents (22,342): this is clearly one of the questions where some of those responding adhered to more than one of the options offered or felt that their position fell between two options. In the above table, the percentages relate to the total number of responses, not to the total number of respondents.

Kirk Sessions as a whole

An analysis of the responses to this question also reveals the considerable spread of opinion within individual Kirk Sessions. In only 11 Kirk Sessions (less than 1%) were the members unanimous in their support of one of the

options, whereas 450 Kirk Sessions (36.4%) had members whose views ranged over all five options and 371 (30.0%) had members who supported four out of the five.

Individual members of Presbyteries

Numbers/percentages holding position			
	(i)	296	11.3%
	(ii)	570	21.7%
	(iii)	417	15.9%
	(iv)	628	23.9%
	(v)	460	17.5%
Number holding none of the above		196	7.5%
No response		57	2.2%

Presbyteries as a whole

If the positions attracting the largest numbers of votes in each Presbytery are considered (and if a tied vote is split into two units of 0.5), the voting pattern for Presbyteries as a whole is as follows:

- (i) 2
- (ii) 12
- (iii) 3.5
- (iv) 22.5
- (v) 5

2.13 Question 3: Ordination/leadership in the Church

3a: *Should those ordained as ministers or who have other leadership roles in the Church be held to a higher standard of Christian living than those not in such roles? If so, in what specific areas of Christian life should higher standards be kept?*

Individual members of Kirk Sessions

As with question 1b, the ballot paper asked for 'the approximate proportion' of those present voting for one or other of the possible responses offered. Again, all responses

were converted to actual numbers before being analysed. Also as with question 1b, this part of the ballot paper was left blank in a very large number of cases: 314 Kirk Sessions (25.4% of the total) did not complete this question.

The views of those who responded are as follows:

		% of total responses	% of those responding to this qn.
<i>Strongly agreeing</i>	4462	20.0%	28.8%
<i>Agreeing</i>	5064	22.6%	32.6%
<i>No opinion</i>	1531	6.8%	9.9%
<i>Disagreeing</i>	3103	13.9%	20.0%
<i>Strongly disagreeing</i>	1354	6.1%	8.7%
<i>No response</i>	6828	30.6%	

Individual members of Presbyteries

As with question 1b, nine Presbyteries did not answer this question.

The views of those who did respond are as follows:

		% of total responses	% of those responding to this qn.
<i>Strongly agreeing</i>	607	23.1%	29.2%
<i>Agreeing</i>	686	26.1%	33.0%
<i>No opinion</i>	127	4.9%	6.1%
<i>Disagreeing</i>	413	15.8%	19.8%
<i>Strongly disagreeing</i>	247	9.4%	11.9%
<i>No response</i>	544	20.7%	

Presbyteries as a whole

If the views of Presbyteries as a whole are analysed on the same basis as in question 1b, in 30 of the 36 Presbyteries who responded there was a majority of members who

agreed or strongly agreed, in four Presbyteries there was a majority of members who disagreed or strongly disagreed, in one Presbytery the votes on either side were equal, and in one Presbytery no members expressed an opinion one way or the other.

3b: *Should a person in a same-sex relationship be permitted to be an ordained minister within the Church?*

3c: *Should a person in a civil partnership be permitted to be an ordained minister within the Church?*

3d: *Should a person in a same-sex relationship be permitted to have a leadership role within the Church?*

3e: *Should a person in a civil partnership be permitted to have a leadership role within the Church?*

Individual members of Kirk Sessions

The numbers and percentages voting for each option are as follows:

	YES		NO		no response
3b	8,545	38.2%	12,545	56.2%	1252 5.6%
3c	10,318	46.2%	10,490	47.0%	1534 6.8%
3d	10,571	47.3%	10,102	45.2%	1669 7.5%
3e	12,284	55.0%	8,448	37.8%	1610 7.2%

Kirk Sessions as a whole

When the views of Kirk Sessions as a whole are considered, the range of views within many Sessions again becomes evident. The table below shows for each of the options the numbers and percentages of Kirk Sessions which were unanimous in voting either YES or NO, and also assesses the 'middle ground' by showing the numbers and percentages of Kirk Sessions in which both the 'YES' and the 'NO' positions attracted at least one third of the total votes, indicating that the prevailing view, whichever it was, commanded a majority of less than two to one: for example, for a Kirk Session with 12 members, this column includes the voting patterns 6/6, 5/7 and 4/8.

	unanimous YES		unanimous NO		small majority	
3b	21	1.7%	190	15.4%	450	36.4%
3c	39	3.2%	146	11.8%	461	37.3%
3d	39	3.2%	137	11.1%	460	37.2%
3e	85	6.9%	115	9.3%	409	33.1%

Individual members of Presbyteries

The numbers of members of Presbyteries and the related percentages voting for each option are as follows:

	YES		NO		no response	
3b	930	35.4%	1,516	57.8%	178	6.8%
3c	1,187	45.2%	1,241	47.3%	196	7.5%
3d	1,137	43.3%	1,253	47.8%	234	8.9%
3e	1,316	50.1%	1,093	41.7%	215	8.2%

Presbyteries as a whole

The numbers of Presbyteries with a majority vote for each option are as follows:

	YES	NO	tied vote
3b	7	37	1
3c	24	20	1
3d	21	21	3
3e	31	14	0

2.14 Question 4: The Unity of the Church of Scotland

4a: *In your opinion, how serious would it be if the Church were to ordain or to refuse to ordain people who were in committed same-sex relationships? Do any of the following descriptions help you to summarise your present position fairly and accurately?*

- i) *We would regard a decision to ordain as equivalent to denying credal doctrines such as the resurrection or the incarnation. Consequently, we would consider it impossible to be a Christian while holding such views and consider them accordingly to be 'heretical'.*

ii) *We would regard a decision to ordain to be unjustifiable given the nature and character of the Biblical witness to God's purposes, but would not go so far as to describe it as being 'heretical'. Such a decision would nevertheless be a cause of deep-seated disagreement and personal disappointment.*

iii) *We would not regard a decision to ordain or not to ordain as particularly significant for the life and faith of the Church.*

iv) *We would regard a refusal to ordain as unjustifiable given the nature and character of the Biblical witness to God's purposes. Consequently, we would view such a decision as a cause of deep-seated disagreement and personal disappointment.*

v) *We would regard a refusal to ordain as equivalent to denying credal doctrines such as the resurrection or the incarnation. Consequently, we would consider it impossible to be a Christian while holding such views and would consequently consider such a decision to be 'heretical'.*

Individual members of Kirk Sessions

Numbers/percentages

holding position	i)	2160	9.7%
	ii)	6273	28.1%
	iii)	4389	19.6%
	iv)	5426	24.3%
	v)	782	3.5%

Number holding

none of the above	2817	12.6%
No response	495	2.2%

Kirk Sessions as a whole

As with question 2b, an analysis of the responses to this question also reveals the considerable spread of opinion within individual Kirk Sessions. In 56 Kirk Sessions (4.4%) members showed unanimous support for one of the

options, whereas 217 Kirk Sessions (17.5%) had members whose views ranged over all five options and 451 (36.5%) had members who supported four out of the five.

Individual members of Presbyteries

Numbers/percentages

holding position	i)	307	11.7%
	ii)	802	30.6%
	iii)	399	15.2%
	iv)	710	27.0%
	v)	58	2.2%
Number holding none of the above		249	9.5%
No response		99	3.8%

Presbyteries as a whole

The numbers of Presbyteries with the largest number of votes for each position is as follows:

(i)	3
(ii)	24
(iii)	0
(iv)	16
(v)	0
none of the above	2

4b: *Would you consider it obligatory to leave the Church of Scotland under any of the following conditions:*

- if the General Assembly were to allow people in committed same-sex relationships to be ordained as ministers?*
- if the General Assembly were to allow people in committed same-sex relationships to have other leadership roles within the Church?*
- if it were forbidden by the General Assembly for people in same-sex relationships (even if committed relationships) to be ordained as ministers?*

iv) *if it were forbidden by the General Assembly for people in same-sex relationships (even if committed relationships) to have other leadership roles within the Church?*

v) *if the General Assembly were to decide not to make a clear statement on this issue?*

Individual members of Kirk Sessions

The numbers and percentages voting for each option are as follows:

	YES		NO		no response
i)	4328	19.4%	16,261	72.8%	1753 7.8%
ii)	3405	15.2%	16,435	73.6%	2502 11.2%
iii)	1839	8.2%	17,436	78.1%	3067 13.8%
iv)	1902	8.5%	17,283	77.4%	3157 14.1%
v)	2733	12.2%	16,564	74.2%	3045 13.7%

Kirk Sessions as a whole

The number of Kirk Sessions in which a 'YES' response to each of the questions was recorded either unanimously or by a majority of members (i.e. between 51% and 99%) is as follows:

	unanimous YES	majority YES
i)	30	141
ii)	27	106
iii)	3	5
iv)	2	9
v)	15	51

Individual members of Presbyteries

The numbers and percentages voting for each option are as follows:

	YES		NO		no response
i)	512	19.5%	1,804	68.8%	308 11.7%
ii)	397	15.1%	1,851	70.6%	376 14.3%
iii)	168	6.4%	1,956	74.5%	500 19.1%

	YES		NO		no response	
iv)	171	6.5%	1,929	73.5%	524	20.0%
v)	250	9.5%	1,903	72.5%	471	18.0%

Presbyteries as a whole

The numbers of Presbyteries with a majority vote for each option are as follows:

	YES		NO		no response
i)	3		42		0
ii)	3		42		0
iii)	0		44		1
iv)	0		44		1
v)	2		42		1

4c: *Do you think that the General Assembly should leave either (i) individual Presbyteries or (ii) individual congregations to determine whether persons in either same-sex relationships or civil partnerships should be ordained as ministers? Alternatively do you consider that the General Assembly must make that determination itself, and, if so, what would you wish it to determine?*

Individual members of determining body:	Kirk Sessions	Presbyteries
Individual Presbyteries	1,280 5.7%	152 5.8%
Individual Congregations	7,119 31.9%	513 19.5%
General Assembly	13,648 61.1%	1,867 71.2%
No response	295 1.3%	92 3.5%

Presbyteries as a whole

In 43 Presbyteries, the prevailing view was that the determining body ought to be the General Assembly, in one Presbytery it was that decisions should be left to individual congregations, and in one Presbytery the prevailing view was equally split between individual congregations and the General Assembly.

3. Commentary on consultation responses

3.1 In this section we set out our brief comments on the responses which we received. We have deliberately separated the factual account of the responses from our commentary so that readers of this report and of the details presented on the Church's website can form their own views on the responses.

Question 1a:

3.2 The purpose of question 1a was to assist respondents in reading the consultation paper and answering the more detailed questions. Most respondents did not submit comments on question 1a. Some respondents kindly submitted papers setting out their views on the theology of the issues which the consultation sought to address and we read those papers in the meetings which we held to consider and analyse the responses.

Question 1b:

3.3 We asked question 1b because the Church in 1959 adopted an approach to the remarriage of divorced persons which was contrary to Jesus' recorded position in three Gospels¹ and we wished to see whether respondents saw any parallels with the questions about homosexuality which divide the Church. The issue of the re-marriage of divorcees was very controversial at that time and remains controversial for some. The Church built safeguards in its legislation, requiring the minister to obtain relevant information and, where it was needed, to give instruction in the nature and requirements of Christian marriage.² The Church also established a regime of freedom of conscience so that a minister is not required to solemnise a re-marriage against his or her conscience.

3.4 The individual responses show a clear majority of respondents thought that the Church's approach should be different in relation to same-sex relationships but most responding bodies (whatever their view) did not explain why they thought so.

¹ Matt 5:31-32; Matt 19:6-9; Mark 10:10-12; Luke 16:18.

² Act Anent Re-marriage of Divorced Persons (Act XXVI 1959)

3.5 The decision in 1959 followed about twelve years of strongly contested debate.³ It is clear that the Church sought in Act XXVI of 1959 to achieve the pastoral accommodation of people whose marriages had failed and who sought to achieve the Christian ideal in a subsequent marriage.

3.6 We recognise that the issue of the ordination of people in homosexual relationships is different in the sense that the Church is being asked to give recognition to the normative value of committed same-sex relationships or at least to allow some of its members to do so. It is not necessarily about past mistakes.⁴ That notwithstanding, the fact remains that the Church for good pastoral reasons saw fit to depart from Gospel teaching that re-marriage after divorce was adultery. For some of our number this raises an important issue of consistency in the Church's approach to Biblical teaching in relation to Christians in committed same-sex relationships.

3.7 In any event, the 1959 Act is relevant to our deliberations as it may provide a model by which the Church, if so minded, can agree to disagree on an issue of theology and morals, and protect the views of each side of the debate through a freedom of conscience provision which is not merely a temporary expedient.

Question 2b:

3.8 We note the high percentage of respondents who treated homosexual orientation as a given. That is one

of the few issues on which there appears to be a widely shared view within the Church. But we have to be careful not to read too much into that conclusion as we do not know whether respondents focused on that part of each option.

Question 3:

3.9 We note (by comparing the answers to 3b and 3c, and also 3d and 3e) that about 8% of respondents drew a distinction between involvement in a same-sex relationship on the one hand and civil partnership on the other. This may reflect a view that the latter conduces to greater commitment and permanence and thus more closely approximates to the obligation of life-long fidelity which is a hallmark of Christian marriage.

3.10 It may be consistent with that observation that there was a difference in the views of Presbyteries on the ordination of people in same-sex relationships. There was a large majority against the ordination of people in such relationships (3b) and a small majority in favour of the ordination of a person in a civil partnership (3c).

3.11 We also note that many respondents (about 9%) drew a distinction between ordained ministry and other leadership roles.

3.12 While a number of Kirk Sessions expressed unanimous views, our prevailing impression is of division within the Church, within Presbyteries and within Kirk Sessions.

Question 4:

3.13 In relation to question 4a: it is clear that a majority of Presbyteries opposed the ordination of a person in a committed same-sex relationship. If that vote were to be replicated in a vote on an innovating overture under the Barrier Act, that proposal would fail.⁵

³ The General Assembly of 1946 remitted the issue to the Committee on Church and Nation, which reported in 1948. Thereafter the Special Committee on the Re-marriage of Divorced Persons was appointed and a scheme approved by the General Assembly of 1950 was rejected when it was sent down to Presbyteries under the Barrier Act.

⁴ Viz. the conclusions of Dr Matthew Black in Appendix II to the Report of the Special Committee on the Re-marriage of Divorced Persons (1957) (at p.850): "If the Church is loyal to the mind and example of the Lord, its mission is also to seek and to save, and to embrace in her fellowship, as the Body of Christ, those who have repented their sin. If any sinner is restored to the fellowship of the Church, and partakes in the Body and Blood of Christ, can the Church refuse him or her full privileges as a member of Christ's Body, including the right to Christian marriage?"

⁵ See Barrier Act, 1679 (James L. Weatherhead, *The Constitution and Laws of the Church of Scotland* (1997) p.153)

3.14 In relation to question 4b: significant majorities of members, Kirk Sessions and Presbyteries did not see a decision contrary to their view as obliging them to leave the Church of Scotland. But the percentages in each category which did were larger on the traditionalist side of the debate.

3.15 Question 4c revealed strong support for a decision by the General Assembly.

Overall:

3.16 The consultation did not suggest that there was a clear mandate from members of the Church for immediate and radical change of position in relation to ordained ministry. But the divisions of opinion remain and are not likely to go away. There is a large minority in favour of extending some leadership roles to practising homosexuals and responses to question 2b suggest that there is recognition of the positive qualities of committed homosexual relationships. Indeed, when the questions focused on those in civil partnerships, responses to question 3e revealed that in a large majority of Presbyteries there was a majority vote in favour of permitting those in such partnerships to have a leadership role (other than ordained ministry) in the Church.

3.17 Presbyteries' answers to Question 4a suggest a radical alteration of position would not succeed under the Barrier Act but it is not easy to reconcile those answers with their answers to question 3c, which suggested that a different view might be taken in relation to Christians in a civil partnership.

4. Consultation with Other Churches

Pre-consultation

4.1 Before we issued the consultation paper in 2010 we conducted a pre-consultation exercise to obtain the views of the interest groups and other Christian Churches which we listed in Appendix 3 to that paper.

4.2 As we stated in the consultation paper, most of the Churches, which responded to our invitation, share something of the breadth of the theological spectrum which we have encountered in our Church. They know the divisive nature of this debate and have wrestled with the issue for twenty to thirty years. Most have affirmed at various times that ministers and other leaders in the church should not live in a sexual relationship outside of faithful marriage. At the same time they have sought to enable a continuing process of listening and study, recognising that this is a highly contentious subject that has threatened the unity of the church.

4.3 For Anglican churches, there are divergent views both within each particular province and in relation to the Anglican Communion as a whole. There were some differences of nuance in the statements of the bishops in England, Ireland and Scotland but they counselled adherence to a moratorium on the ordination of people in same gender unions throughout the Communion for the sake of the unity of the church.

4.4 The United Free Church of Scotland informed us that they had not discussed specifically the issue of the ordination of openly homosexual Christians or of ministers living in homosexual partnerships.

4.5 Most of the churches that responded to our invitation have been through processes of listening and discerning. One of the churches, the Presbyterian Church of Aotearoa New Zealand, has concluded after twenty years of discernment that:

in accordance with the Supreme and Subordinate Standards of the Church, and with previous Assembly decisions, ... this Church may not accept for training, license, ordain, or induct anyone involved in a sexual relationship outside of faithful marriage between a man and a woman. In relation to homosexuality, in the interests of natural justice, this ruling shall not prejudice anyone who, as at the date of this meeting, has been accepted for training, licensed, ordained or inducted.

4.6 Two churches, the Church of Sweden⁶ and the United Church of Canada, make no distinction based on the sexuality of people living in partnership. The Church of Sweden, like the Religious Society of Friends, has equated committed same-sex relationships with marriage. The stance of the Church of Sweden is that:

The homosexual orientation or a life in a registered partnership is not grounds for refusing ordination for service in the Church.

4.7 The United Church of Christ in the United States and the United Church of Canada experienced a loss of membership and finance after recognising same-sex marriages. The former suffered a withdrawal of about 100 out of their 5,800 churches and the latter a 1% loss of membership in the immediate aftermath of the decision. Thereafter their membership and financial circumstances have been broadly similar to other Churches, with social change having a much greater impact than same-sex issues.⁷

4.8 The Methodist Church in 1993 adopted resolutions which, among other things, (i) declared that all sexual practices that are promiscuous, exploitative or demeaning were unacceptable, (ii) reaffirmed the traditional teaching of the church on human sexuality, and (iii) recognised, affirmed and celebrated the participation and ministry of homosexual men and women in the church and called on the church to begin a pilgrimage of faith to combat repression and discrimination, to work for justice and human rights and to give dignity and worth to people whatever their sexuality. That process of discernment, which is called a “Pilgrimage of faith”, has continued. In 2008 the church resolved not to revisit the

1993 resolutions and thus to continue the pilgrimage. The church has been content that its members live in fellowship with this pastoral rather than legal approach.⁸

4.9 All the other responding churches continue in a process of discernment aimed at maintaining fellowship and unity.

Subsequent consultation

4.10 After publishing the consultation paper we again approached the Roman Catholic Church through the Bishops’ Conference of Scotland. The Most Rev Mario Conti, Archbishop of Glasgow, kindly responded with a statement, which he and a group of well-qualified people within the Roman Catholic Church in Scotland had prepared. In that statement they re-affirmed the concept of marriage as mirroring the image of God. They quoted from an address by Pope Benedict XVI:

... the sexual difference that distinguishes the male from the female body is not a mere biological factor but has a far deeper significance. It expresses that form of love with which a man and a woman, by becoming one flesh, as sacred Scripture says, can achieve an authentic communion of people open to the transmission of life and who thus cooperate with God in the procreation of new human beings.⁹

They continued:

It is this aptitude for the transmission of life which acts as a determinant in the judgment of the moral rectitude of the use of the conjugal act. We thus recall the constant teaching of our shared tradition on the

⁶ In Sweden state legislation effected the change; since 2005 there has been a church rite for the blessing of registered partnerships.

⁷ This information was received from the Churches in the context of the pre-consultation exercise and was confirmed in more detail when we were preparing this report. Both Churches protect liberty of conscience for ministers and congregations.

⁸ In the consultation paper we suggested, inaccurately, that the Methodist Church had ended the process of discernment. That was incorrect; the Pilgrimage continues. We apologise for the misunderstanding.

⁹ Pope Benedict XVI, Address to Members of John Paul II Institute, 11 May 2006.

centrality and uniqueness of Marriage and its good both for individual couples and for society as a whole.¹⁰

4.11 We also corresponded with the Free Church of Scotland. The Principal Clerk of Assembly, Rev James MacIver, informed us that the Free Church had not discussed the issue of the ordination of openly homosexual clergy living in partnership. The Church's Committee on Public Questions, Religion and Morals had reported on homosexuality and on civil partnerships in 2000 and 2004 respectively and considered that homosexual activity was contrary to scriptural norms.

4.12 We also wrote to partner churches in Africa and elsewhere. We received the following responses from them and others.

4.13 The CCAP Livingstonia Synod, Malawi, confirmed that it believed in accordance with scriptural teaching that homosexual acts were wrong and that as a result the issue of ordaining homosexual ministers was a taboo. The Blantyre Synod CCAP explained that the Malawi Council of Churches had held a workshop on homosexuality and upheld the position that (i) homosexual activity was sinful, (ii) homosexuals should be loved and ministered to, and (iii) Church discipline should be based on behaviour and not orientation.¹¹

4.14 The Middle East Council of Churches, which is a fellowship of 28 churches in the region and represents various Christian traditions, had not had occasion to consider the issue of same-sex relationships and the

ministry. The Sabeel Ecumenical Center in Jerusalem stated that they had not taken a stance on the issue and had welcomed people to work with them whatever their sexual identity. The Lutheran Bishop in Jerusalem explained that the Lutheran World Federation would be discussing the issue in 2012 and that in his region it was not seen as one of the burning issues of the day. The Anglican Episcopal Diocese of Jerusalem explained that ordination to the priesthood in the Province of Jerusalem and the Middle East was currently limited to men and that there was no provision for the ordination of persons in a same-sex relationship. The Near East School of Theology, Beirut informed us that the churches in the Middle East disregarded the subject and considered it a taboo.

4.15 The Presbyterian Church of Myanmar explained that they had not addressed the issue, which had not arisen in their society.

4.16 The Waldensian Evangelical Church in Italy informed us that they had not discussed the specific issue of the ordination of clergy living in a same-sex relationship. They also let us know that the Synod of the Waldensian and Methodist Churches in August 2010 had passed a resolution authorising the blessing of same-sex unions of Christians who belonged to their church or any other Protestant church. The resolution expressed the conviction that:

the words and actions of Jesus, as they are witnessed to in the Gospels, cannot do other than call us to welcome every experience and every choice characterised by love as the gift of God, freely and consciously lived and chosen.

4.17 We are very grateful to all the churches for taking the trouble to inform us of their position on the issues which we have been examining.

Subsequent events

4.18 More recently, the Archbishop of Canterbury in his Presidential Address to the General Synod of the Church

¹⁰ We note that Reformed tradition differs from the Roman Catholic tradition in recognising a role for sexual activity within marriage in building and underpinning a wider loving relationship, without the necessity of confining such activities to the context where procreation is possible. Hence the traditions have differing views on the acceptability of contraception.

¹¹ The Synod of Blantyre also enclosed a position paper by the Very Rev Dr Felix Chingota which supported these conclusions and called for the church to work for a society which neither prosecuted nor promoted homosexual behaviour.

of England in November 2010 called for the loyalty of heart to heart in the Christian community to enable collaboration in Gospel work. We were provided with a copy of his address. He advocated an acknowledgement that opinions may vary even when doctrines are shared. He suggested that it was becoming more urgent that there be some

thoughtful engagement that will help us understand how people who read the same Bible and share the same baptism can come to strongly diverse conclusions.¹²

4.19 We think that this call for theological engagement, not to entrench adopted positions, but to address the diversity of view within a denomination, has resonance for our Church in relation to the work that lies ahead.

5. Sexual orientation: the lessons and limits of science

5.1 It appears from the results of the consultation exercise that it is now widely accepted in the Church that sexual orientation is not a matter of choice but is a “given”. While there may be some people who experiment with different sexual practices and some who claim that they have altered their sexual orientation by force of will, such accounts appear largely anecdotal and not the norm. As we explain in the next section, the testimony of those who came to tell us their stories also supports the view that sexual orientation is not a matter of choice.

5.2 Nonetheless, we conclude from the advice of our scientific advisers, whom we mention below, that science has not yet provided a clear answer as to the causes of different sexual orientations.

5.4 It is generally accepted that homosexual people comprise a very small minority of the population. The research, to which our advisers have referred in their papers, suggests that among males the prevalence is

between 3% and 6% and among females between 1% and 3%. It is a rare trait and appears to be roughly half as common in females than in males. We discuss under *Subsequent Events* below a study which became available since we received the two literature studies.

The two literature reviews

5.5 There are likely to be a number of causes of sexual orientation. To obtain up to date scientific advice we commissioned two scientific literature reviews, one by Dr Isabel Hanson under the supervision of Professor Alan Wright, the other by Dr Murdo Macdonald. Dr Hanson has a PhD in molecular genetics. She spent 14 years researching human molecular genetics and she has worked as a science writer, specialising in genetics, since 2005. Professor Wright is a Programme Leader in the Medical and Developmental Genetics section of the Medical Research Council, Human Genetics Unit, Western General Hospital, Edinburgh. Dr Macdonald is Policy Officer of the Society, Religion and Technology Project of the Church of Scotland helping the Church to engage with ethical issues in science. He has a PhD in molecular biology and has twenty years research experience in that field, including involvement in human genetic studies. Our summary below is taken from both papers.

5.6 The development of a sexually mature individual is an extremely complex biological process that depends on multiple interactions between a whole host of genes and hormones. There are animal studies which suggest that hormonal imbalances contribute to a homosexual orientation. Ethical considerations prevent similar prenatal hormone tests on humans and the evidence is as a result fragmentary. Studies of the ratio of finger lengths have been used as a proxy mark for prenatal exposure to high testosterone levels which may affect sexual orientation. Studies of the brain structure of sheep have also shown differences which may be related to sexual orientation and there is some limited evidence of that nature in relation to humans. Some studies

¹² <http://www.archbishopofcanterbury.org/3056>

have produced contradictory results. It is not possible to state the cause of the observed differences in the brain structure of people exhibiting differing sexual orientations; does the brain structure cause or contribute to the orientation or vice versa?

5.7 Genetic studies on humans in the form of identical twin studies suggest that genetic factors may have a moderate effect on the sexual orientation of both males and females. Studies of the effect of fraternal birth order (where a male child has several older male siblings) suggest that there may be a pre-natal mechanism for male homosexual orientation. But it should be noted that fraternal birth order may be a factor in only one in seven males who are homosexual.

5.8 There is therefore evidence which supports a biological basis for human sexual orientation but the evidence, from human studies, is fragmentary. The interaction of biological and social factors on sexual orientation is unknown. Some studies suggest that sexual orientation is not fixed in all individuals but, particularly in women, can change over time and not only during adolescence and early adulthood.

5.9 There is evidence that patterns of gender non-conforming behaviour in early childhood are a strong predictor of homosexual orientation. This may indicate a predisposition to homosexuality and be consistent with a biological basis of sexual orientation. There is little evidence at present that parental and peer interactions influence sexual orientation.

5.10 Studies of sexual reorientation therapy suggest that some individuals have succeeded in shifting their orientation; others have suffered psychological damage when attempting to do so. Dr Hanson and Professor Wright criticise the studies of those therapies as lacking scientific rigour and as being essentially anecdotal and identify a need for proper scientific research in this area.

5.11 There is as yet no unified scientific hypothesis for the origin of human sexual orientation. Dr Macdonald expresses the view that it is very rare that a biologist is able to say with absolute certainty that something is incontrovertibly proven.

5.12 Professor Wright and Dr Hanson consider that there is strong evidence from animal studies to support the hypothesis that sexual orientation in animals is determined by biological events in the womb. Data from animal studies have helped scientists to understand many aspects of human development and physiology. They recognise however the fragmentary nature of the evidence from human studies, which results from ethical constraints, and the present impossibility of an unequivocal statement about the origin of human sexual orientation.

5.13 They suggest that it is likely that there is a strong biological component in human sexual orientation. They conclude:

The evidence that exists is consistent with, but does not prove, the hypothesis that human sexual orientation is caused by biological factors. There is no good evidence that dysfunctional parenting or seduction by an adult has any effect on sexual orientation; however a role of other non-biological factors cannot be excluded at present.

5.14 Dr Macdonald concludes that the scientific evidence that homosexuality is directly determined by the genes is probably not strong. He cites the 2008 statement of the American Psychological Association which said:

Although much research has examined the possible genetic, hormonal, developmental, social, and cultural influences on sexual orientation, no findings have emerged that permit scientists to conclude that sexual orientation is determined by any particular factor or factors.

Thus while genes and biology have a role in determining who we are, social and environmental factors also play

a role and he points out that humans have the ability to make choices about much of their behaviour. He opines that the scientific data is not sufficiently robust to support a conclusion that biology alone determines human behaviour. In other words biology may drive human beings in certain directions, but morality and other factors can influence how we behave.

5.15 We consider that the difference in emphasis between the two papers may in part be the result of Dr Macdonald's focus on the human research while Professor Wright and Dr Hanson attach considerable weight to the less constrained and thus more complete animal studies. However, care needs to be taken and views may differ on how far one can reliably extrapolate from animal studies to humans.

Subsequent events

5.16 Since we commissioned and received the two reports we have become aware of a report by the Office for National Statistics which was published in September 2010. The report, which is entitled "Measuring Sexual Identity: An Evaluation Report", involved either face to face interviews or telephone interviews between April 2009 and March 2010 and 247,623 people aged sixteen or above were asked to identify their sexual identity. Ninety six per cent provided valid responses. This accordingly is a large study, which deserves to be given considerable weight.

5.17 It revealed that 94.8% of those interviewed described themselves as heterosexual or straight, 1% as gay or lesbian and 0.5% as bisexual. A further 0.5% identified themselves as "Other". A further 2.8% either stated that they did not know or refused to answer the question and 0.5% did not give any response. Thus while the figure of 1% gay or lesbian appears to be lower than the other surveys discussed in Dr Hanson's report, some allowance should be made for the fact that the study was not carried out anonymously and some respondents may have felt inhibited about revealing their sexual identity or orientation.

5.18 In any event the survey supports the view that homosexual people are a very small minority of the population.

6. The personal stories

6.1 Over a number of meetings between April and November 2010 we met with homosexual Christians working in the ordained ministry, other homosexual Christians and family relatives of homosexual Christians, who gave us their personal stories of their experiences with their faith and their relationship with the Church.

6.2 Historically, it has not been possible for homosexual Christians to articulate their concerns, their fears and their aspirations in the Church. Even now, when in the secular world, the gay rights movement has in large measure won equality of treatment in the workplace, it is difficult for homosexual Christians to speak openly within our Church. That is why our meetings with the people most directly affected by the issue were held in private and were subject to agreed rules that we would not disclose the identity of those addressing us nor attribute particular views to them. In giving this account of the meetings we are conscious of the need to respect the confidentiality which we promised to observe.

6.3 It was clear from our discussions that none of the homosexual Christians whom we met saw his or her sexual orientation as a matter of choice. Several spoke of discovering that they were different from their peers during their school years and of the anguish that that caused. Others spoke of becoming aware of that difference in their teens and of their attempts, based on their understanding of Biblical teaching, to deny to themselves that they were attracted to people of the same sex and not to people of the opposite sex.

6.4 For some men, their inability to accept their predicament led them to go out with and marry women in the hope that they would escape from their orientation. More than one expressed deep remorse at the pain which they had caused their spouse through a failed marriage.

6.5 For some, their homosexual orientation remained a very heavy burden. The greatest anguish was manifested by the young who had had a theologically conservative upbringing. They spoke of the difficulty of reconciling their sense that God loved them with their awareness that they were drawn towards people of the same sex. Why, they asked, had God made them homosexual? In more than one case, this internal conflict had been the cause of great unhappiness and in one case had resulted in drastic measures adopted in a fruitless attempt to alter sexual orientation. In another case there was a deep sense of loneliness.

6.6 Whatever our theological differences, we were all moved by their experiences. Their testimony informs our unanimous views on the importance of the Church's duty to welcome and provide pastoral care to homosexual Christians and seekers after God.

6.7 Some of those who spoke to us had been hurt and damaged by the way in which the Church had treated them. Some saw the Church as giving in to prejudice in the acceptance of their orientation but the denial of the physical expression of their love. Others had found warmth and support within the Church and simply wanted to get on with their lives without a spotlight being constantly directed towards their sexual identity.

6.8 The theological positions of those who spoke to us, like those of the wider Church, were varied. Some took the position that Scripture required them to remain celibate. Others, after struggling to reconcile their orientation with their faith, had come to the conclusion that God did not condemn their love for someone of the same sex, including the physical expression of that love. Some have been in committed partnerships for a number of years. Others took a similar theological view but, having regard to the present position of the Church, considered that it was necessary for them to remain celibate to perform their vocation of Ministry. This brief summary is not exhaustive of the views which they expressed; there were variations on those themes.

6.9 There was thus no unity of position among those who came to speak with us. Whatever may have been or is the position in civil society and in the wider church, we did not encounter in our work a concerted campaign by homosexual Christians for a particular theological outcome of the debate. They share the divisions of the wider church and simply expressed their gratitude for the opportunity to speak.

7. Ministry

7.1 It is part of our remit to prepare a study on ordination and induction to the ministry of the Church of Scotland in the light of the issues addressed in the 2007 Report and raised in the case of *Aitken et al v the Presbytery of Aberdeen*. We have been greatly assisted in our task by the work of the Panel on Doctrine on the subject of ordination both in their three reports in the 1980s and in their report in 2000. We pay tribute to their work and draw on it in setting out the context in which we have to carry out our task.

7.2 We are charged with considering the ministry of Word and Sacrament as that appears to have been the focus of the General Assembly of 2009. In our debates we have discussed the role of the diaconate as part of the ministry of the Church. We propose that any policies agreed by the General Assembly with regard to ministers should apply also to deacons as they are part of the ordained ministry of the Church.

7.3 The ministry of the Church is to be seen in its proper context, first, of God's mission, including Christ's definitive ministry, and, secondly, the ministry of the whole church to bear witness to and serve the ministry of Jesus Christ in and to the world.

God's mission and the ministry of his church

7.4 In their report in 2000 the Panel on Doctrine drew on the World Council of Churches' seminal document, *Baptism, Eucharist and Ministry*,¹³ (*BEM*) which gives a

¹³ World Council of Churches, Geneva 1982.

valuable ecumenical perspective on ministry. That document begins its discussion of ministry by addressing the calling of the whole people of God. It states:

In a broken world God calls the whole of humanity to become God's people. For this purpose God chose Israel and then spoke in a unique and decisive way in Jesus Christ, God's Son. Jesus made his own the nature, condition and cause of the whole human race, giving himself as a sacrifice for all. Jesus' life of service, his death and resurrection, are the foundation of a new community which is built up continually by the good news of the Gospel and the gifts of the sacraments. The Holy Spirit unites in a single body those who follow Jesus Christ and sends them as witnesses into the world. Belonging to the Church means living in communion with God through Jesus Christ in the Holy Spirit.

Thus ministry in its broadest sense denotes the service to which the whole church, the whole people of God, is called.

7.5 The church has a dual character: eschatological as the people of God, the creation of the divine Word; and a human institution, or group of institutions, which operates in a particular historical and social context. In its latter character, the church, like any other human community, needs to be organised and ordered.

Ordained Ministry: (i) the ecumenical perspective

7.6 Different branches of the church ordain ministers who are entrusted with the specific authority and responsibility of performing that task of ordering the church and serving its unity, to enable it to embody the unity of the faith. Thus, *BEM* states:¹⁴

In order to fulfil its mission, the Church needs persons who are publicly and continually responsible for pointing to its fundamental dependence on Jesus Christ, and thereby provide, within a multiplicity of

gifts, a focus of its unity. The ministry of such persons, who since very early times have been ordained, is constitutive for the life and witness of the Church.

Ordained ministers thus have a leadership role in the community of faith in serving the believing community and strengthening its witness. But the ordained ministry has no existence apart from that community and needs its recognition, support and encouragement.¹⁵ *BEM* goes on to describe their role:

The chief responsibility of the ordained ministry is to assemble and build up the body of Christ by proclaiming and teaching the Word of God, by celebrating the sacraments, and by guiding the life of the community in its worship, its mission and its caring ministry.

7.7 While ministry is the service to which the whole people of God is called, *BEM* presents ordained ministry as referring to persons who have received a charism (or particular gift) and whom the church appoints for service by ordination through the invocation of the Spirit and the laying on of hands. Different branches of the church have undergone distinctive historical developments and have developed different forms of ordained ministry. But the recognition of a calling by the invocation of the Spirit and the laying on of hands is a tradition which goes back to the earliest stage of the New Testament church.¹⁶

Ordained Ministry: (ii) The Church of Scotland

7.8 In the Reformation, reformers departed from the idea of ordination as a sacrament. But Luther's emphasis on the priesthood of all believers related to the priesthood of Christ and the conviction that there was no need for a further priesthood to mediate between God and humanity. It did not necessarily imply the ministry of all. The more modern emphasis on ministry, in the sense that all Christians through baptism are called to service, is an

¹⁴ In paragraph 8 of its discussion of ministry.

¹⁵ *BEM*, paragraph 12.

¹⁶ 1 Tim.4:14; 2 Tim 1:6.

insight which was developed in the twentieth century. Nonetheless, it was and is appreciated that it is necessary to set apart individuals for a recognised ministry for the purpose of ordering the church.

7.9 In the Church of Scotland, both ministers of Word and Sacrament and elders were ordained. Professor T. F. Torrance described their respective roles in these terms:

It would seem to be entirely consistent with biblical teaching that there should be associated with those specifically ordained to the ministry of Word and Sacrament others who are “ordained” to a complementary ministry within the congregational life and activity of God’s people. While ministers are ordained to dispense the Word and Sacraments to the people, elders are set apart to help the people in their reception of the Word and in their participation in the Sacraments, and to seek the fruit of the Gospel in the faith and life of the community.¹⁷

7.10 In 2002 ordination was extended to the diaconate.¹⁸

7.11 All forms of ministry involve service. The person, who ministers to a Christian community within the Church of Scotland, carries out his or her functions on behalf of, derives authority from and owes a duty towards Jesus Christ as the Head of the Church,¹⁹ who “did not come to be served, but to serve”.²⁰

Ordination: (i) an ecumenical perspective

7.12 *BEM* identifies common themes within the various branches of the church on the meaning of ordination by the invocation of the Spirit and the laying on of hands:

The act of ordination by those who are appointed for this ministry attests the bond of the Church with

Jesus Christ and the apostolic witness, recalling that it is the risen Lord who is the true ordainer and bestows the gift.

[O]rdination denotes an action by God and the community by which the ordained are strengthened by the Spirit for their task and are upheld by the acknowledgement and prayers of the congregation.²¹

7.13 *BEM* identifies three elements in ordination. First it is an invocation to God that the new minister be given the power of the Holy Spirit in the new relation which is established between the minister and the local Christian community, and, by intention, the church universal. Secondly, it is a sign of the granting of this prayer by the Lord who gives the gift of the ordained ministry. Thirdly, ordination is an acknowledgement by the church of the gifts of the Spirit in the ordinand and a commitment by both the church and the ordinand to the new relationship. Those ordained offer their gifts to the church, take on new authority and responsibility and enter into a collegial relationship with other ministers.²²

Ordination: (ii) The Church of Scotland

7.14 Similarly, within the tradition of the Church of Scotland the role of the Church in choosing and recognising the individual has been one of the two elements in the calling to ministry. The call has two elements, one the inner calling, in the form of the individual’s sense of being called, and the other the outward calling, in the form of the Church’s acknowledgement of a divine call to ministry.²³

¹⁷ *Scottish Journal of Theology*, vol.37 (1984), pp. 509-510.

¹⁸ Act anent Ordination of Deacons (Act VII 2002).

¹⁹ See Articles 1 and 6 of the Articles Declaratory.

²⁰ Mk.10:45.

²¹ *BEM*, paragraphs 39 & 40.

²² *BEM*, paragraphs 42-44.

²³ See section 4.3 of the Panel on Doctrine’s 2000 Report in which they discuss Calvin’s approach to ordination as a point of departure in the reformed tradition.

7.15 The basis of the current practice of the Church is the *Form of Presbyterian Church-Government*, which the Westminster Assembly produced and the General Assembly approved in 1645. That document provided a statement of a doctrine of ordination. It was the Presbytery which had authority to ordain. Ordination was the public act of inauguration to a particular, recognised ministry. The outward lawful calling of the Church was essential to any recognised ministry. The person to be ordained must have been “qualified, both for life and ministerial abilities” and it was the Presbytery who examined and approved the ordinand. It was also part of the lawful calling that the ordinand was accepted by the particular congregation.²⁴

7.16 In the *Form of Presbyterian Church-Government* it is stated that “No man ought to take upon him the office of minister of the Word without a lawful calling.” This remains the position of the Church. As Dr Weatherhead has said:

It is not sufficient that a person believes that he or she has been called by God to the ministry. A call must be tested by the Church.²⁵

In current practice this test involves (a) a procedure which is organised centrally by the Ministries Council to allow an applicant to consider his or her sense of vocation and thereafter co-ordinated field assessment and an assessment conference in which the Church assesses the suitability of an applicant and tests his or her call, (b) the completion of an appropriate prescribed course of education, and (c) if the applicant is successful, nomination by his or her Presbytery.

7.17 In the case of parish ministry the call of a congregation confirms “the lawful calling”. Once ordained, a person does not have to be re-ordained. Ordination is grounded in a divine call and the conferring of gifts, and the minister’s character and integrity are

presumed to endure through time.²⁶ But a later induction is, nonetheless, important as the minister repeats the promises which he or she made on ordination as a commitment within a new pastoral charge.

The Questions put to Ministers

7.18 Before ordination or admission to a charge the prospective minister must answer the questions which the Moderator of the Presbytery puts to him or her. As well as confirming belief in the Word of God contained in Scripture and the fundamental doctrines of the Christian faith, the prospective minister must also acknowledge the authority of the Courts of the Church. He or she promises to seek the unity and peace of the Church. He or she also must answer the question:

Do you engage in the strength of the Lord Jesus Christ to live a godly and circumspect life; and faithfully, diligently and cheerfully to discharge the duties of your ministry, seeking in all things the advancement of the Kingdom of God?

The impact of the divisions in the Church over same-sex relationships

7.19 The *Working Group on Human Sexuality* in the 2007 Report reached a strong measure of agreement that homosexual orientation was not a matter of censure and did not bar the service of Christ in the Church and the world.²⁷ It presented, but did not reconcile, conflicting views within the Church on what is a proper understanding of God’s will in relation to same-sex relationships. The Report concluded with a recognition that “no-one in the church is served by a facile assumption of the way the wind is blowing, or the Spirit moving” and called for the promotion and celebration of unity in Christ. The *Working Group* stated:

Such unity – the unity of the Church – is greater and

²⁴ See the Panel on Doctrine’s 2000 Report, section 4.6.

²⁵ James L. Weatherhead, *The Constitution and Laws of the Church of Scotland* (1997), p.112.

²⁶ The Panel on Doctrine’s 2000 Report, section 4.8.

²⁷ The 2007 Report, paragraph 4.17.7

more-hope-filled than our own, imperfect respect for others. It is this unity, in which there are intrinsically degrees of diversity as there always have been, which all debating and discovering might hope to uncover and celebrate.²⁸

7.20 The circumstances which gave rise to the case of *Aitken and Others v Presbytery of Aberdeen* put into sharp focus conflicting views of the sort which the 2007 Report presented. It is no part of our remit to review the decision in that case. Accordingly we confine our comments to the following. In dealing with that appeal the General Assembly of 2009 did not rule on the issue of principle, namely whether it was appropriate to ordain as a minister of Word and Sacrament a person who was involved in a same-sex relationship. Mr Rennie was ordained at a time when he was married and was not involved in such a relationship. The appeal raised issues of procedure which are not relevant to the issues which we have to consider. We stated in the consultation paper that the appeal did not create a precedent on which other candidates for the ministry could rely because the General Assembly of 2009 did not debate or determine the issue of principle. We adhere to that view.

7.21 We have debated that issue of principle and, as we state in section 8 below, remain divided on it as the wider Church itself is. Our debates have persuaded us that the Church should not determine that issue unless and until it has reached a view on the status of such relationships and the appropriateness or otherwise of allowing a minister to recognise and celebrate a life-long committed same-sex relationship in a form of a blessing or other liturgy.

7.22 We have come to this view because the dispute about the ordination of ministers in same-sex relationships is essentially a theological dispute about whether same-sex activity in a committed relationship is contrary to the will of God. The ordinand's statement of belief in the Word of God as the supreme rule of faith

and life, and his or her promises to uphold the peace and unity of the Church and to lead a godly and circumspect life all raise that issue. So also does the minister's duty to instruct the people in godliness, which requires of him or her sound doctrine and holiness of life. But that succinct statement can be expanded with the following reasons.

7.23 First, the Church has not sanctioned the celebration of civil partnerships. A motion presented by the Legal Questions Committee before the General Assembly of 2006, which in substance sought such a sanction, was defeated when Presbyteries expressed their views under the Barrier Act in 2007.²⁹ If the Church were to alter its position on the ordination of persons involved in same-sex relationships, it would, to be coherent, have to re-consider its position on that issue. It would need to decide whether it was appropriate to celebrate the civil partnership, which is a legal relationship conferring rights and obligations in the civil law, or require the parties to the relationship to enter into specific commitments in addition to the requirements of the civil law.

7.24 Secondly, ministry of Word and Sacrament is a leadership role in the Church. Ministers, not only in the Church of Scotland but also in the wider church, act as a focus for unity, as *BEM* stated. If the Church does not have a coherent position on the broader question of same-sex relationships, it would be difficult for a minister who was in a committed homosexual relationship openly to acknowledge that relationship to those who profoundly disagreed with such relationships, without damaging his or her role as a focus for unity.

7.25 Thirdly, that leadership role places the minister in a position in which his or her behaviour is exposed to more scrutiny than that of a Church member who is not in a position of leadership. Some respondents to the consultation took issue with the question whether

²⁸ The 2007 Report, paragraph 4.17.9.

²⁹ The General Assembly of 2006 supported the motion on a vote of 320 to 240 with 122 dissents.

ordained ministers should be held to a higher standard of Christian living than other Church members and pointed out that the whole church is called to ministry. A substantial majority of respondents however appears to have taken the view that, whatever was the correct position in principle, the leadership role caused members of the Church to expect higher standards from their minister than from lay members of the Church. Such an attitude is not new; the New Testament church recognised the reality of public scrutiny of the personal behaviour of its leaders.³⁰ Resolution of the wider issue is required so that people, both ministers and other church members, know where they stand.

7.26 Fourthly, ministry also involves a collegial role; a minister works with other ministers and officeholders in many aspects of the Church's life. Ministers serve in the Courts and Committees of the Church, including Presbytery superintendence. If, as in such visitations, ministers were called on to make judgements about the life of a colleague, the wider issue needs to be resolved.

7.27 Fifthly, as the Panel on Doctrine stated in their 2000 Report, the fact that ordained 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." It is therefore very important for good ecumenical relations that any alteration of the Church's stance on a candidate's suitability for ordination to the ministry of Word and Sacrament should proceed on a coherent theological justification, which the Church could defend in discussions with other denominations. Otherwise our Church may undermine the work of our predecessors in developing and sustaining ecumenical relations.

7.28 We acknowledge that neither the Roman Catholic Church nor the Orthodox Church recognise

the ordination of our Church,³¹ that we have departed from their traditions also in the ordination of women, and that there must be limits on the extent to which ecumenical considerations should influence our decision making. Nonetheless, we see no basis for allowing the ordination of people in same-sex relationships unless or until the Church has resolved the broader question of the theological status of such relationships.

7.29 We therefore turn to our own discussions of these issues to demonstrate the substantial areas in which we are in agreement, set our disagreements in their proper context and then express our views on how the Church might proceed.

8. The Debate within the Special Commission

8.1 We have observed that those who came to express their personal stories held differing theological views on the morality of homosexual activity. Nor was there unity of position within the Special Commission on the central issue of the ordination and induction of ministers who were in same-sex relationships. We discuss below some of our disagreements. But we are unanimous in the view that it is important to see those disagreements in their proper context, which is that we found through discussion and patience there was a great deal on which we agreed.

8.2 We agreed that the issue for the Church is not a matter of human rights or other rights conferred by the civil law. It is essentially a theological issue. It is not a matter of the Church simply responding to pressure from secular society or a gay rights lobby. Concerns in the Church about the proper approach and response by the Church to homosexual people gave rise to debates within the Church in the 1980s and 1990s,³² well before the Equality legislation, which the previous, post-1997, Government introduced.

³¹ They do, however, recognise our baptism.

³² See Finlay A J Macdonald, *Confidence in a Changing Church* (2004), chapter 9.

³⁰ See, for example, 1 Tim. 3 and James 3:1.

8.3 The issue is not a question of civil rights but a quest to understand God's will in the context of the society in which we live and having regard to the needs of other societies in which our partner churches operate and which uphold different social values. We are all aware that in choosing how to act, the Church does not act in a vacuum but must consider the effect of its decisions on the society it serves and on ecumenical relations.

Our starting point

8.4 In our Church the starting point of any discussion in relation to possible change of theological position is the first Declaratory Article, which asserts the role of the Church of Scotland as part of The Holy Catholic or Universal Church. It sets out fundamental theological doctrines and continues:

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.

8.5 In our theological discussions therefore we have taken as our starting point that the Word of God which is contained in the scriptures of the Old and New Testaments is the supreme rule of faith and life. Thus articulating an understanding of Scriptural teaching has formed a central part of our discussions.

8.6 In our debates we reached agreement on the following.

Approach to Scripture

8.7 Scriptural texts must be interpreted not in isolation but in the light of Scripture as a whole. Thus our understanding of God's purposes for humanity from passages in Scripture must take account of the context in which they appear and of the development

of understanding of God's purposes in both the Old Testament and the New Testament. In so doing we must try to understand the way in which Jesus saw his mission as fulfilling the law of the Old Testament. This is because at the heart of the message of the Bible is what God has done in history by sending his Son into the world.³³

8.8 Jesus Christ is the revelation of God. The life of Christ in Scripture reveals God's outreach and mission. Much of the New Testament comprises reflections on his person, life, death and resurrection. The authority of Scripture as God's revelation of his purposes rests on its standing as the supremely authoritative written witness to Christ.

8.9 Reading Scripture involves a call to obedience. The Bible contains various ways in which the purposes of God are revealed. Those include commands which, taken in their context, reveal God's purposes. Some instructions, such as the legal code in Deuteronomy 14-23, are best considered in their historical context and may not readily be equated with a developed understanding of God's purposes in the light of Scripture as a whole,³⁴ others, such as the Sermon on the Mount, are shown by their context to be timeless spiritual teachings. Similarly, we must distinguish the descriptive from the prescriptive.

8.10 Our approach to Scripture must not involve our trying to force Scripture to conform to current norms or philosophy or to our intuition of what the times require; rather we look for God's self-revelation in Scripture.

8.11 In seeking to understand that self-revelation we apply our reason and human experience, having regard to the tradition of the church, the expanding knowledge offered by science of how humanity and the natural world operate, and our conscience. When we speak of conscience, we are speaking of conscience informed and directed by Scripture. Our presuppositions when

³³ Gal 4:4.

³⁴ Viz. Hebrews 1:1-2.

approaching Scripture with moral questions must not prevent us from allowing Scripture to re-determine that pre-understanding. In other words, it is not legitimate to warp the meaning of Scripture to fit our pre-understanding. We must be prepared to revise our presuppositions through openness to the meaning of Scripture.

8.12 Within that discipline and without weakening our commitment to the existence of objective truth, we recognise that all readers have to interpret Scripture and that different experiences, including such things as gender or race, affect the way we approach Scripture and result in *bona fide* differences in theology.

The duty of the Church, when necessary, to be counter-cultural

8.13 It follows from the Church's approach to the authority of Scripture that, as it did in its early days, it must take a stand which is contrary to the mores of the society in which it operates, when that culture is hostile to the values of Christianity. The Church can draw from contemporary culture and philosophy that which is good and helpful and critique that which is not.³⁵

8.14 Accordingly, our concern in addressing the issue of the moral status of same-sex activity is not with the vindication of individualism or the assertion of civil rights of the individual. The issue is, as we have said, primarily theological and Scriptural.

The continuing role of the Holy Spirit in the Church

8.15 God has continued to work in the world in the establishment of the biblical canon and in his Church in accordance with Christ's assurance at the end of the Gospel according to St Matthew.³⁶ The Church must bear

witness to the continued redemptive activity of Christ in the world as this is perpetuated by the Spirit.³⁷

8.16 To this end the Church must continue to reform itself. The church is the Body of Christ; it is also a human institution. It has the dual character of which we spoke at the beginning of the last section. Like any human institution, it suffers decay and can lose sight of its central mission in Matthew 28. The Church has made mistakes; it is likely do so in future. Social developments can test the Church's presuppositions. The Church must seek the guidance of the Holy Spirit to inform its continuing commitment to reform in accordance with the Word of God.

The affirmation of marriage

8.17 A central theme of Scripture, perhaps the core of the teaching of Torah in the Old Testament, is of God's covenant commitment to His people. Scripture calls on us to show that relationship of unconditional faithfulness both to God and to each other. That is Jesus' distillation of the law.³⁸

8.18 Christian marriage manifests this covenant and provides the context in which many grow in that relationship of unconditional faithfulness. Christian marriage involves not only a life-long commitment but also such a commitment based on solemn vows before God and blessed by God. But marriage is not for everyone. Jesus did not see marriage as being for him. There are many who achieve their potential in a single life.³⁹

8.19 For those who enter into sexual relationships with each other, Scripture presents the life-long faithful commitment of a man and a woman to each other in marriage as God's will for humanity. Such love,

³⁷ John 16:12 records Jesus as saying, "There is still much that I could say to you, but the burden would be too great for you now. However, when he comes who is the Spirit of truth, he will guide you into all the truth".

³⁸ Matt 22:34-40. See also Eph 5:1-2

³⁹ See report of the Mission and Discipleship Council, *Being Single: In Church and Society* (2009).

³⁵ Viz. St Augustine, *On Christian Teaching*, Book 2.40.60-61. (OUP Oxford World's Classics pp.64-65)

³⁶ Matt 28:20.

commitment and fidelity should underpin sexual relationships. In our discussions, there was no challenge to the role of marriage as the context for such commitment. We are aware that the *Working Group on Human Sexuality* are studying marriage and hope to report to the General Assembly of 2012. We have not focused on the matters with which they are concerned.

8.20 Scripture presents God's will as teaching us that we confine sexual relations to relations within a life-long, faithful commitment. That is the role which marriage performs in the Christian tradition. It is used in Scripture as an analogy for Christ's relationship to his church.⁴⁰ We are united in the view that no initiative which the Church chooses to take in relation to homosexuality should undermine Christian marriage.

8.21 We are also agreed that it is the duty of the Church to be consistent in the interpretation and application of biblical injunctions in respect of heterosexual and homosexual practices.

Homosexuality: agreement and disagreement

8.22 We were united in the view that a homosexual orientation was not a matter of sin and was not a bar to ordination. Where we, like others in the Church, have not reached agreement is on the question whether the understanding of the existence and origins of sexual orientation, which has grown up in the last few decades, should cause the Church to revise its position on homosexual practice and if so to what extent.⁴¹ In particular the issue is whether the Church should recognise the possibility that faithful committed homosexual relationships are consistent with God's

purposes for those who, not by choice, find themselves to be homosexual by orientation.

8.23 This is a challenge which many churches face and will continue to face. It is one on which disagreement will continue within and between churches. How the Church responds to this challenge may have a profound effect on its mission and service.

The obligation to pursue peace and unity

8.24 In dealing with our differences on this important moral issue we remain committed to respond to Christ's prayer that his followers should be one so that the world might believe the truth that God sent Christ and that God loves the world as he loved Christ.⁴² Peace and unity are gifts given by God to the church.⁴³ They are fundamental to the nature of the church and essential for the church to fulfil its ministry of reconciliation. We must practise what we preach if the outside world is to hear and believe in a Gospel of reconciliation.⁴⁴

8.25 Divisions existed in the early church but Scripture emphasised the importance of unity, presenting the church as the body of Christ in that context.⁴⁵ Our unity must be a unity in the truth as Christ's prayer was that His followers be consecrated by the truth.⁴⁶ When faced with a divisive issue, such as that which our Church and the wider church now face, it is our duty prayerfully to look for God's will.

8.26 We believe that in pursuit of that peace and unity in the context of the division on this theological and moral issue, it is important that the Church of Scotland does not seek that one *bona fide* view should triumph over another by a slim majority vote of the General

⁴⁰ Eph 5:21-23.

⁴¹ We are aware that some have argued that the Church has not taken a formal position on homosexual practice. While that 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.

⁴² John 17:11-23.

⁴³ John 14:27.

⁴⁴ II Cor. 5:18-21; Col 1:15-20.

⁴⁵ I Cor. 12:12-31; Eph 4:1-6.

⁴⁶ John 17:17-19.

Assembly or the wider Church but that it should strive patiently to promote mutual understanding between those who disagree with each other.

8.27 When we speak of unity, we are not speaking of uniformity. The Church has in the past benefited from the creative tension of differences of views. It is through debate that deeper insights are achieved. We benefit from the work of those who protect the Church from responding uncritically to ephemeral enthusiasms. Similarly, we gain from those who take a particular interest in developments in our society and our scientific understanding and ask difficult questions about discerning the mind of God in changed circumstances. Were the Church to lose the witness of one or other grouping, it would be the weaker for it and less able to perform its role in our society.

Setting our disagreements in context

8.28 We have attempted to set out above, so far as relevant, the principal areas in which we share a common view. There are, as we have said, significant matters on which we have not been able to agree. But the very many areas of scriptural teachings about personal conduct on which there is agreement within the Church greatly outweigh the areas in which there is disagreement. This is so also in the field of human sexuality. We believe that it is very important that protagonists on all sides of the debate keep those facts in mind to give a proper perspective.

8.29 That disagreement remains within the Special Commission is in one sense regrettable but it is the inevitable result of our composition, as we were selected to reflect a range of views within the Church. It is not a matter of regret in that it has made us think of how we, and the wider Church, can handle disagreement constructively.

8.30 We have debated over several meetings the issues which have divided the Church and have discussed presentation of traditionalist and revisionist views.

We do not see any benefit in rehearsing in any detail those discussions, which were fruitful in allowing us to understand each other's positions. It may however be helpful to summarise briefly the focus of the disagreement.

Our disagreements

8.31 The debates within the Special Commission covered themes which will not be unfamiliar to those who have followed the discussions within many denominations of the church over the correct response to homosexual Christians who wish to enter into life-long committed relationships. Within the Special Commission, as in the wider church, it is a considerable oversimplification to present the range of views as a traditionalist/revisionist dichotomy. Nonetheless, for ease of comprehension, we present the debate in broad traditionalist and revisionist themes.

(i) Traditionalist themes

8.32 From the agreed starting point of the authority of the Word of God in Article 1 of the Church's Declaratory Articles, it is pointed out that the Church's subordinate standard, the Westminster Confession, supports the interpretation of Article 1 to the effect that the Word of God is identified with Scripture and that there is no disjunction between the two.⁴⁷

8.33 There is a great need for a coherent and consistent hermeneutic. Revisionist thinking can be criticised on the grounds (a) that it is incorrect to privilege one theme of Scripture, while rejecting any passage which appears to conflict with the chosen understanding of that theme and (b) that it gives no clear criterion for going against the plain meaning of scriptural text.

8.34 The Westminster Confession⁴⁸ teaches that marriage is between a man and a woman. That is the doctrinal norm of the Church in accordance with the

⁴⁷ See also Karl Barth, *Church Dogmatics* 1/1.

⁴⁸ Chapter 24 – Of Marriage and Divorce.

Reformed tradition and in continuity with the catholic tradition. Historically, the church has understood that holiness is pursued either through celibacy or life-long faithfulness in marriage. As the distinguished theologian Wolfhart Pannenberg stated:

Jesus concludes . . . that the unbreakable permanence of fellowship between husband and wife is the goal of the Creator's will for human beings. The indissoluble fellowship of marriage, therefore, is the goal of our creation as sexual beings (Mark 10:2-9).⁴⁹

8.35 The Christian teaching on marriage as a creation ordinance is the foundation for all Christian pronouncements on questions of sexuality.

8.36 Thus the Christian doctrine of marriage is the norm for sexual activity. The Church cannot both abandon that norm and maintain discipline. Upholding that norm involves no discrimination against homosexual people as, outside the context of marriage, heterosexual and homosexual sexual practice are equally off-limits.

8.37 Turning to the specific scriptural texts which address homosexuality,⁵⁰ it is suggested that the message is unambiguous. The condemnation of homosexual practice is not confined to exploitative forms of conduct.⁵¹ Faithful homosexual relationships were widespread in the ancient world; and those relationships as well as abusive relationships and temple prostitution would have been known to the writers of Scripture.⁵²

⁴⁹ Church Times 21 June 1996: *Revelation and Homosexual Experience*. See also Christianity Today, November 1996.

⁵⁰ Gen 19:1-11; Lev 18:22, 20:13; Rom 1: 18-32; 1 Cor 6:9-11; 1 Tim 1:3-11; Jude 7.

⁵¹ Robert Gagnon, *The Bible and Homosexual Practice, Texts and Hermeneutics*, (2001), pp.347-350. Many distinguished theologians have acknowledged the force of Gagnon's analysis, including James Barr, Brevard Childs, CEB Cranfield, I Howard Marshall, CK Barrett, Bruce M Metzger, James Dunn, David F Wright, John Barton and Jerome Murphy-O'Connor OP.

⁵² Gagnon, (op. cit.) pp.350-361.

8.38 Paul in Romans 1:27 is clear in his inclusion of homosexual behaviour among the consequences of turning away from God; the apostle uses it as an image of humanity's rejection of the Creator's design.⁵³ See also 1 Corinthians 6:9ff. This approach is not confined to abusive sexual behaviour. Scripture rejects homosexual conduct as contrary to the will of God because of the lack of gender complementarity in same-sex couples. Karl Barth, in calling attention to the manner in which Paul connected homosexual practice with idolatry, with changing the truth of God into a lie, and with the adoration of the creature rather than the Creator, spoke of the need to recognise the force of divine command as opposed to such practice. He stated:

It is here, therefore, that for himself and then in relation to others each must be brought to fear, recollection and understanding. This is the place for protest, warning and conversion. The command of God shows him irrefutably – in clear contradiction to his own theories – that as a man he can only be genuinely human with woman, or as a woman with man. In proportion as he accepts this insight, homosexuality can have no place in his life, whether in its more refined or cruder forms.⁵⁴

8.39 The Church needs to acknowledge the imperative of reading Scripture along with the one church catholic. That is essential for the stability of the Church. Otherwise there is a temptation to read Scripture according to our own wishes and respond incorrectly to ephemeral pressures.

8.40 It is recognised that the Church has changed its understanding of God's purposes over time and has come to see the institution of slavery and the subordination of women as the products of particular social and historical

⁵³ Pannenberg (op. cit.); Richard B Hays, *The Moral Vision of the New Testament: Contemporary Introduction to New Testament Ethics*, (T & T Clark, 1997), p.386.

⁵⁴ Barth, *Church Dogmatics* III.4 p.166.

circumstances. Their supersession has been part of God's redemptive work. But these do not provide an analogy for the correct approach to homosexual activity as one can detect in Scripture a dynamic towards the liberation of slaves and equality of participation in relation to women. By contrast, Scripture reveals no dynamic towards the acceptance of homosexual activity.⁵⁵

8.41 In short, Scripture nowhere witnesses to a moral equivalence between same-sex and heterosexual sexual activity in the context of faithful marriage, but instead condemns same-sex sexual practice as sinful. The union of male and female in Genesis and the analogy of the church as the bride of Christ throughout but particularly at the end of the Bible⁵⁶ affirm that consistency.

8.42 Pannenberg has stated in relation to Paul's treatment of homosexual practice:

The New Testament contains not a single passage that might indicate a more positive assessment of homosexual activity to counterbalance these Pauline statements. Thus the entire biblical witness includes practising homosexuality without exception among the kinds of behaviour that give particularly striking expression to humanity's turning away from God.

There is thus a crucial distinction to be drawn between orientation and practice.

Further it is important to observe that Paul does not describe homosexual activity as an especially reprehensible sin. He lists it as one of several manifestations of human unrighteousness. In principle it is presented as no worse than covetousness, gossip or disrespect for parents.⁵⁷

8.43 What is required is a welcoming of homosexual people in and into the Church, strong pastoral support,

and the outlawing of homophobia and discrimination. There needs to be a clear recognition of the Church's failings in this regard in the past and in the present and a commitment to a warmer welcome and more support in the future. But that does not require the alteration of the norms of Church which have stood for two thousand years.

8.44 The traditionalist stance is not exclusive: God in Christ invites us to come as we are but he does not leave us as we are. Every person is subject to the transformative call of the gospel.

8.45 The ordination of practising homosexuals raises further problems: how could the Church maintain the catholicity of ordination? The Church in Article 1 of the Articles Declaratory proclaims itself to be "part of the Holy Catholic, or Universal, Church". But the measure of catholicity is "that which has been believed everywhere, always and by all".⁵⁸ As our ministry is answerable to the whole church, it would cause grievous damage to ecumenical relations were the Church unilaterally to ordain practising homosexuals. Were the Church to alter its rule on the ordination of ministers it would distance itself from the reality of what it means to be part of the Holy Catholic, or Universal, Church. Again to quote from Pannenberg's article:

A Church which took such a step would thereby have ceased to be one, holy, catholic, and apostolic.

8.46 The Church needs to take great care before contemplating an innovation which will cause grave disquiet to many in the Church; it needs to pursue the things which make for peace and build up the common life.⁵⁹

8.47 NT Wright (the former Anglican Bishop of Durham) in an article in *Fulcrum* in 2009, in which he commented on the Archbishop of Canterbury's Reflections on

⁵⁵ See William J. Webb, *Slaves, Women & Homosexuals: Exploring the Hermeneutics of Cultural Analysis*, (IVP Academic 2001).

⁵⁶ Rev 19 and 21.

⁵⁷ Richard B. Hays, *The Moral Vision of the New Testament* (T & T Clark 1996), p.388.

⁵⁸ Vincent of Lerins, *Committorium* 4.3.4.

⁵⁹ Rom 14:19.

the Episcopal Church's 2009 General Convention,⁶⁰ summarised the position of the Anglican Communion and the traditionalist viewpoint in these terms:

First, the Church cannot sanction or bless same-sex unions; second, since the ordained ministry carries a necessarily representative function for the life of the Church, those who order their life in this way cannot be ordained.⁶¹

(ii) *Revisionist themes*

8.48 It is important to re-affirm the observation in the 2007 report that being homosexual by orientation is not sinful.⁶² Thus same-sex desire is not, in and of itself, a matter of sin. Homosexual orientation is not a bar to ordination.⁶³ It is also clear from the consultation exercise that there is widespread acceptance in the Church that sexual orientation, at least for most people, is not a matter of choice.

8.49 It is those insights that have caused many to question the Church's traditional stance on homosexual practice so far as it relates to homosexual Christians whose Christian discipleship develops in the context of a life-long and faithful relationship.

8.50 Asking that question does not involve a challenge to the authority of Scripture. Christ speaks through Scripture. But all readers interpret Scripture and nobody reads Scripture without lenses. We read the Bible with our contemporary knowledge in science, social science, history and other matters. Thus our understanding of the account of the Creation in Genesis is conditioned by modern scientific knowledge. While respecting tradition, it is important to see tradition as a living tradition and to

beware of interpreting the Bible exclusively through male or heterosexual eyes.

8.51 The starting point of a revisionist theology is the self-revelation of God in Jesus Christ. Jesus taught in his actions and teaching that love was to be unconditional, faithful and self-sacrificial. In moral questions Jesus emphasised the central importance of unconditional love for God and for neighbour.⁶⁴ This seemed to subvert specific precepts of the Law in order to bring out the essence of the response to God required of humanity.

8.52 The Church's response to moral questions must be governed by Scripture interpreted in the light of Christ's teaching and our developing understanding of the redemptive work of God in contemporary culture and experience. Questions of morality in the church should be decided in so far as the proposed norm conduces to discipleship in the Christian's life, to loving relationships in families, communities and the church and to justice in communities, society and creation.

8.53 Jesus' concern in his teaching focused on the breaking of covenants and not on homosexuality, which he did not mention. He called on us to uphold the weighty demands of the Law, justice, mercy and good faith.⁶⁵ He recognised the integrity of marriage and family life, while seeking to create a wider family of members of the Kingdom of God. Paul also stressed the creation of a new kinship in the body of Christ. We are all bonded to Christ and to each other in baptism.⁶⁶

8.54 It is accepted that our approach to Scripture, which may be conditioned by the preconceptions of contemporary society, must be re-tested by Scripture. Thus a revisionist approach must not duck those texts which express or may express disapproval of homosexual practice.

⁶⁰ *Communion, Covenant and our Anglican Future*, 27 July 2009.

⁶¹ Dr NT Wright, *Rowan's Reflections: Unpacking the Archbishop's Statement*, Fulcrum, 30 July 2009.

⁶² This has, throughout our discussions, been a shared perception between traditionalists and revisionists, as it was amongst the authors of the 2007 Report.

⁶³ The 2007 Report, paragraph 4.17.7.

⁶⁴ Matt 22: 34-40.

⁶⁵ Matt 23:23-34

⁶⁶ Gal 3:27-29.

8.55 Several theologians and Christian writers have questioned whether the texts, which are frequently cited as scriptural teaching on homosexuality, are to be understood as a condemnation of a faithful, life-long homosexual relationship.⁶⁷ Thus Sodom and Gomorrah⁶⁸ and the rape of the Levite's concubine⁶⁹ address the breach of ancient rules of hospitality to strangers, the practice of homosexual rape as a humiliation, and the subjection of women. The condemnation of homosexual practice in the Holiness Code of Leviticus⁷⁰ is directed solely against male activity in the context of the protection of male dignity and has been interpreted as prohibiting powerful men from taking sexual advantage of other men and weaker men behaving like women.⁷¹ For some, the prohibitions on homosexual activity in the Old Testament belong to its insistence on purity for the health of God's community. While Jesus drew from Leviticus themes such as mercy toward the poor, justice for the foreigner and integrity in one's dealings with others and the central tenet of loving your neighbour as yourself,⁷² many of the demands of ritual purity appear not to have had any relevance to his teaching.

8.56 Those writers have questioned whether Paul's teaching in the New Testament addressed faithful

committed same-sex relationships between Christians.⁷³ It is recognised that the most significant passage which revisionists have to address is Paul's analysis in Romans 1 of the consequences of humanity's rebellion against its Creator. Some writers have analysed this passage as referring to heterosexual people who choose to involve themselves in homosexual activity or to other promiscuous behaviour.⁷⁴

8.57 Those of our number who share a revisionist perspective recognise the debate about several Old Testament texts but are not persuaded by the writers who argue that Paul did not consider all homosexual activity as wrong.⁷⁵ They accept that Paul, as a good Hellenistic Jew of his time, had an understanding that any form of homosexual activity was unnatural.⁷⁶ But that does not amount to an unequivocal scriptural prohibition of all such activity in all circumstances. They ask: "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 voices of homosexual Christians?"

8.58 The Second Letter to Timothy described the scriptures of the Old Testament as "inspired" or "God-breathed."⁷⁷ Inspiration is not the same as dictation.

⁶⁷ See Jack Rogers, *Jesus, The Bible, and Homosexuality* (Westminster John Knox Press 2nd ed. 2009), chapter 5; Paul Germond and Steve de Gruchy, *Aliens in the household of God: Homosexuality and Faith in South Africa* (Cape Town 1997), pp.213-217; William Stacy Johnson, *A Time to Embrace: Same-Gender Relationships in Religion, Law and Politics*, (Wm. B. Eerdmans Publishing Co 2006), chapter 3; David G Myers & Letha Dawson Scanzoni, *What God has joined together? A Christian Case for Gay Marriage* (Harper San Francisco 2005), chapter 7.

⁶⁸ Gen 19:1-29.

⁶⁹ Judges 19:1-30.

⁷⁰ Lev 18:22, 20:13.

⁷¹ Johnson (op. cit.), pp.124-129.

⁷² Lev 19:18.

⁷³ Johnson (pp.131-133), Rogers (pp.70-71), Myers & Scanzoni (pp.93-97) interpret the terms used in the vice lists in 1 Cor 6:9 and 1 Tim 1:8-11 with hedonistic, abusive and exploitative sexual practices. Germond and de Gruchy (pp.220-228) acknowledge that the Romans 1 vice list is the clearest, but by no means unambiguous, argument against homosexual activity in its presentation of such activity as one of the many consequences of idolatry and sin. But they see it as no match for the cumulative force of the inclusive work of Jesus on the Cross.

⁷⁴ Johnson (pp.135-136) sees Paul's teaching as the rejection of the hedonistic sexual practices of those who do not know God. Rogers (pp.72-76) sees the text as being concerned primarily with the consequences of idolatry, uncontrolled desires and the alteration of the designated role in society of men and women.

⁷⁵ In this regard they agree with the 2007 Report at paragraph 4.13.18.

⁷⁶ Myers and Scanzoni (pp.98-100) suggest that Paul understood that homosexual behaviour was prompted by an insatiable lust.

⁷⁷ 2 Tim 3:16.

Evangelical biblical scholars have sought to engage with modern biblical scholarship and have highlighted the theological diversity of the Old Testament.⁷⁸ This supports the conclusions that the worldview of biblical authors affected what they thought and wrote and that those views of the world must be taken into consideration in biblical interpretation.⁷⁹

8.59 The range in nature and content of the books of the Old Testament and the differing accounts of the life and teachings of Christ in the four Gospels suggest that in Scripture God gives us a diversity of personal responses to his revelation. As Professor Keith Ward stated:

what the Bible seems to be teaching is that there is no unbiased, interpretation-free record of divine revelation.⁸⁰

To acknowledge that the human writers of Scripture were creatures of their time and culture and saw “through the glass darkly”⁸¹ is in no sense to attack the inspired nature of Scripture. The question must be asked, “Was Paul correct as to the mind of Christ on this issue?”

8.60 Scriptural principles have altered the church’s position in relation to slaves and, in some churches, in relation to the role of women. There is also a trajectory towards the acceptance and welcoming of homosexual people into the Church.⁸²

8.61 Keith Ward argues that, in using Scripture to test scriptural interpretation, we should test biblical moral rules against the three fundamental biblical moral principles of

(i) treating all human beings with the same concern as ourselves, (ii) unrestricted compassion, having in mind the ultimate good of others and (iii) freedom from law to walk in the spirit, which reminds us that all written laws are to be tested by whether they encourage relationships of loyalty, trust, honesty and friendship.⁸³

8.62 In interpreting Scripture we bring to bear not only the traditions of the Church but also reason, in our understanding of science and also our human experience. One can readily understand God’s purposes in the Ten Commandments as they conduce to the flourishing of human life. What is difficult to understand is the goodness in denying to homosexual people the blessing of committed partnerships, and the opportunities afforded thereby of growing in discipleship to Christ.

8.63 Those of our number who advocate the accommodation of homosexual Christians in the Church affirm the central role of marriage as the best site of Christian discipleship for those who wish to share their lives with another. They recognise the unique commitment, and the loving, faithful, mutually supportive and life-long nature of that relationship. They ask: “Does Scripture really deny homosexual Christians those blessings? Is that denial really God’s will for a minority of humans for whom marriage is not an option? Is there something wrong and damaging in such a faithful life-long homosexual relationship?”

8.64 They answer these questions in the negative: [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.⁸⁴

⁷⁸ See, for example, Peter Enns, *Inspiration and Incarnation, Evangelicals and the Problem of the Old Testament* (Baker Academic 2005); Kenton L. Sparks, *God’s Word in Human Words. An Evangelical Appropriation of Critical Biblical Scholarship* (Baker Academic 2008).

⁷⁹ Enns (op. cit.), p.14.

⁸⁰ Keith Ward, *What the Bible Really Teaches* (SPCK 2004), p.12.

⁸¹ 1 Cor 13:12: “Now we see only puzzling reflections in a mirror, but then we shall see face to face.”

⁸² No mainstream denomination today would advocate the death penalty for homosexual activity (Lev 20:13-14), or the excommunication of homosexual Christians on the ground of perversion (1 Cor 5 & 6).

⁸³ Ward (op. cit.), p.176.

⁸⁴ Anna Karin Hammar, *Staying Together? On Ecumenism, Homosexuality and Love*, *The Ecumenical Review* Vol 56 No 4 October 2004, p.448, p.454

8.65 Indeed, many revisionists point to the existence and witness of homosexual couples who are Christians. These couples, in a similar way to married couples, display love, affection, companionship, support and growth. They also experience the tensions and stresses of living in partnership, and their relationships display the imperfections of any couple. But for revisionists, it is clear that such partnerships have been for many homosexual Christians the context of their growing in love for God and neighbour, or in other words, their growing in Christian discipleship.

8.66 Turning to the ecumenical consequences of a decision to ordain Christians in same-sex relationships, they recognise that problems would result. But they observe that two major denominations, the Roman Catholic Church and the Orthodox Church, do not in any event recognise our ordination and that churches who have decided to ordain Christians in same-sex relationships continue to work with churches which do not in ecumenical bodies.

(iii) Covenant theology

8.67 Our discussion of these themes continued in a debate on covenant theology. There was much that we agreed upon.

8.68 We recognise the central role of covenant in Torah. The covenant between God and humanity is the unilateral covenant of grace; and God's unilateral covenant commitment places on humanity an unconditional obligation to be faithful in response. That response requires that we live in faithfulness to God and each other.

8.69 In the New Testament Christ fulfils on our behalf and in our place the obligations of faithfulness due to God and the world and Christians are called to share in Christ's righteousness by grace.⁸⁵ As a sign and seal of God's covenant of grace we are baptised "into Christ" and

become part of the Church. That binds us into a unity with Christ and one another in the community that is the church, the body of Christ.

8.70 Christian ethics is to be conceived as the gift of transformed participation by the Spirit in the incarnate Son's union and communion with the Father. The witness of the creation narratives is that we are created for communion, for relationships of love and faithfulness.

8.71 Where we were not in agreement was in relation to the conclusions which we could draw from covenant theology. On the one hand, some were of the opinion that the Church failed to exhibit the mind of Christ in forbidding life-long communion, companionship and intimacy to those whose unalterable biological constitution is homosexual. On the other hand, others were not persuaded, taking the view that the covenant response of humanity is to fulfil the ethical demands inherent in the covenant, which include the avoidance of homosexual practice.

8.72 One of the issues for the theological commission, whose establishment we recommend in the final section of this report, will be how the Church may be consistent in the promotion of covenantal commitments and the application or non-application of biblical injunctions in relation to heterosexual and homosexual practices.

(iv) Agreeing to disagree

8.73 Over many meetings we have had a robust but respectful debate and have learned much from it.

8.74 We do not see our differences of view, however strongly held, as a reason not to share communion with each other. On the contrary, our collaboration over many months has heightened our regard and affection for each other. At the start of our work we shared a commitment to work for the peace and unity of the Church and we share that commitment as our work as a Special Commission draws to its close.

⁸⁵ Rom 8; 1 Cor 15:45f.

The nature of the Church

8.75 The Church has coped in the past with internal disputes. Sometimes it has reached an internal accommodation; at other times the disputes have led to division and a weakening of the Church's voice in society. Those disputes which threatened or led to division have principally concerned (i) the relationship between then current interpretations of Biblical teaching and scientific discoveries and (ii) lay or governmental control over spiritual appointments.⁸⁶ But those divisions over time have been superseded to a considerable degree by reunions.

8.76 It is clear from Douglas Murray's Chalmers Lectures of 1991 that the Church's constitution in spiritual matters, the Articles Declaratory, were framed to allow a broad spectrum of theological views.⁸⁷ His study shows clearly that the entrenching of Article 1 of the Articles Declaratory and the express declaration in Article 5 of the Church's right to frame or adopt its subordinate standards and formulate other doctrinal statements was an arrangement carefully negotiated to encompass the differing traditions of the then Church of Scotland and the United Free Church of Scotland.⁸⁸ It was seen as a first step towards greater Christian unity by allowing the promotion of union with other churches, without loss of identity. He concludes:

As a church today we should assume that the Articles mean what they say, that remaining true to the catholic faith and the other provisions of Article 1, the Kirk has considerable freedom to reform.⁸⁹

⁸⁶ In relation to the former there was the disputes between the Moderates and the Evangelicals in the Church and between the "auld lights" and the "new lights" in the Secession Church; in relation to the latter there has been the Secession Church of the 18th century and the Disruption of 1843.

⁸⁷ Dr Douglas M Murray, *Freedom to Reform, The Articles Declaratory of the Church of Scotland 1921*, (T & T Clark 1993).

⁸⁸ See also Lord Rodger of Earlsferry, *The Courts, The Church and the Constitution, Aspects of the Disruption of 1843*, (Edinburgh University Press 2008) pp.108-111.

⁸⁹ Murray (op. cit.), p.140

8.77 This ability to reform, and the Church's duty, as a Reformed church, to reform itself, give rise to tensions both within the Church and between the Church and other denominations. The Church includes within its membership people who have radically different views on liturgical practice, on the nature of the ministry, and on other matters. The Church's polity allows differences of opinion on Scriptural interpretation; it claims no exclusive *magisterium*.⁹⁰ The liberty of opinion, which the Church allows,⁹¹ on points which do not enter into the substance of the faith accommodates radical disagreements on such points and ensures lively debate.

8.78 For some the Church's divisions on homosexuality are of a similar nature. For others on both sides of the debate, the issue is more fundamental. On the one hand, some people see an acceptance of committed same-sex relationships as being directly contrary to the teachings of Scripture and understand the issue as one of scriptural authority. On the other hand, others interpret Scripture differently, and are persuaded that to deny a blessing to people who enter into committed same-sex relationships is contrary to the comprehensiveness of God's love. The consultation exercise suggests that, while a large majority of respondents wish to remain within the Church, there are significant minorities at either end of the spectrum of views who would consider leaving the Church if it were to decide the question of the ordination of people involved in a homosexual relationship in a way which was contrary to their views.

8.79 That the Church is a broad church is widely recognised. Alison Elliott has described the liberty of opinion or of pastoral conscience as "a hallmark of our Presbyterian

⁹⁰ This contrasts with, among others, the Roman Catholic Church in which "The task of interpreting the Word of God authentically has been entrusted solely to the Magisterium of the Church, that is to the Pope and to the bishops in communion with him." Catechism of the Catholic Church Part 1, section 1, chapter 2, Art 2.III paragraph 100; see also paragraph 85.

⁹¹ Article 5 of the Articles Declaratory.

identity.⁹² In a similar vein, Bruce Gardner in his recent call for intelligent and respectful plurality has described the post 1929 Church as “an improbable hybrid.”⁹³

8.80 The debate on homosexuality raises the question: how broad should it be? This will continue to be a matter of debate in the Church; and in relation to the same-sex issue it will be a decision for a future General Assembly. But if the Church wishes to retain its breadth and the strength and balance which it gains from the creative tension of conflicting ideas, it will have to decide how to accommodate those who disagree with its decision.

8.81 Thus if the Church were to take a traditionalist view on homosexual practice, how does it accommodate those in homosexual relationships who hold office as ministers? If it were to take a revisionist view, would it be possible to use the model of freedom of conscience which the Church adopted in relation to the celebration of the re-marriage of divorcees? We discuss these issues in the final section of our report.

8.82 We need to remind ourselves that whatever we recommend and whatever the General Assembly and the Church eventually decide, both we and they may be mistaken. But we also remember that, if mistakes are made, they will in time be remedied. Christ gives that confidence:

And be assured, I am with you always, to the end of time.⁹⁴

9. Conclusions and Recommendations

9.1 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. But it is equally clear that there are many in the Church who consider that its current stance against same-sex relationships is not consistent with the teaching of Jesus. As we have said, such divisions of view exist within the Special Commission. There is a need for continuing prayerful discernment.

9.2 In our recommendations we put forward as alternatives two options. In each case they are trajectories rather than firm decisions which can be reached now. This is because the divisions do not point to the adoption, here and now, of a radical stance in either direction. The General Assembly is therefore invited to express a view on the direction which it thinks the Church should take; but, if our recommendations are accepted, it will be the task of a future General Assembly in either 2012 or 2013 to determine whether or not to move in that direction, assisted by the further work which we propose that the Church should undertake.

9.3 Both trajectories recognise the need for further discernment and engagement between those of differing views. By working together for twenty months, we have learnt from each other; and we believe that the Church will benefit from such genuine engagement. Both trajectories also involve, among other things, the creation of a theological commission to assist the Church in deciding the direction it wishes to take. The Special Commission, of which we are the members, is not a theological commission as several of us have no theological training. We recommend that an authoritative theological commission should be composed of theologians of standing. This theological commission will ensure the continuance of engagement and discernment under whichever of the trajectories the General Assembly may choose.

⁹² Dr Alison Elliott, *A Question of Identity*, in *Theology in Scotland*, Vol. XIV no 1 2007, pp.19-33 at p.26.

⁹³ Dr Bruce Gardner, *A Conflict of Integrities: The Crisis in the Church of Scotland*, in *The Scottish Review*, February 2011.

⁹⁴ Matt 28:20.

(i) *The trajectory towards an indefinite moratorium*

9.4 One option, which the traditionalists among our number favour, in order to allow that discernment to continue would be to introduce an indefinite moratorium on the ordination of persons involved in same-sex relationships.

9.5 But a moratorium is not wholly straightforward. There is a need to examine in more detail the practical and pastoral implications of such a step. In the consultation paper⁹⁵ and in section 4 of this report we noted the decision of the Presbyterian Church of Aotearoa New Zealand not to accept for training, ordain or induct anyone involved in a sexual relationship outside faithful heterosexual marriage. It declared that that ruling “shall not prejudice anyone who, at the date of this meeting, has been accepted for training, licensed, ordained or inducted.” In our debates we have discussed the consequences of a similar ruling in the Church. But we have not had the time to work out in any detail how the Church could act fairly towards those ministers who have given faithful service and who might be adversely affected by such a decision. Whether the approach of the New Zealand Church is a model for implementing this option and precisely what is involved in a decision not to prejudice those who are ordained and inducted will need further consideration.

9.6 Those who do not favour an indefinite moratorium, understandably, question how it can contribute to the process of discernment and fear that it will simply leave a festering wound in the Church.⁹⁶ The proponents of the indefinite moratorium recognise that concern and seek to address it by their call for the theological commission to continue the process of discernment which the 2007

report initiated. The theological commission would be invited to take account of the continuing work of the *Working Group on Human Sexuality* in relation to being single and marriage. It is envisaged that the theological commission would be a balanced body, whose membership would include people of differing views and that it would report to a future General Assembly.

(ii) *The trajectory towards allowing the celebration of same-sex unions and the ordination of people in such unions*

(a) *Same-sex unions*

9.7 Another option, which the revisionists in our number see as a possible way ahead, is to investigate further the feasibility of allowing ministers and members of the Church to recognise the value of committed life-long same-sex relationships. Such a step would involve further theological investigation before the Church would be in a position to decide on the issue.

9.8 In particular, we consider that, if the Church chose to investigate this option, a theological commission would need to produce a study of the basis on which those in the Church who wish to recognise and celebrate the entering into a life-long commitment by two homosexual Christians may do so. The study would have to reach a view on whether the revisionist case to be put to the Church rested on the assertion that the biblical texts, which deal with homosexual behaviour, did not apply to life-long committed relationships or, if they did, the basis on which one could consider those texts to have been superseded. In section 8 of this report we set out some of our discussions on this issue but we accept that we need a developed theological argument to provide a basis for a decision by the Church.

9.9 Only once there is a clear theological statement behind which those seeking to accommodate homosexual Christians can unite will the Church be in a position to consider whether or not to adopt such an accommodation.

⁹⁵ At pp.12-13.

⁹⁶ The Archbishop of Canterbury in his presidential address to the General Synod in November 2010 expressed the view that the Church of England had avoided theological debate and thoughtful engagement on the divisive issue of same-sex unions.

(b) Freedom of conscience

9.10 Those who take a traditionalist view are, understandably, concerned as to how ministers and members of the Church, who in good faith consider that same-sex activity is contrary to the will of God, could preserve their integrity, if the Church were to sanction same-sex unions and to ordain ministers in same-sex relationships.

9.11 We are agreed that if the Church were to change its view on the acceptability of committed same-sex relationships, such a change could be effected only as a matter of allowance and not as a mandatory requirement. It would be essential for the Church's welfare that it should respect those of its members who took a different view. We are agreed that, if there were to be an accommodation, freedom of conscience on this issue would be a fundamental component of that accommodation in order to maintain the peace and unity of the Church. This could be achieved by a freedom of conscience regime similar to that which has existed in relation to the re-marriage of divorcees for the last fifty years. The divisions in the Church will not go away soon. Members of the Church would have to be free to decline to take part in any ceremony to bless such a relationship and would be entitled to preach and argue that same-sex relationships were contrary to God's will for humanity. Otherwise the Church would be silencing the traditionalist voice within it to its detriment.

9.12 There is a need for clarity on what it would be that those who disagree with an accommodation of homosexual Christians were being asked to accept as a legitimate difference of opinion within our communion and what it was that the Church was permitting in relation to the blessing of life-long committed same-sex unions.

9.13 It would be for the theological commission to decide the qualities of the same-sex relationship which should be recognised. In our discussions, those who favoured the recognition of committed same-sex

relationships took the view that they should be life-long covenant relationships. We note that the responses to our consultation paper showed more support for approving such relationships in which the commitment was manifested by a civil partnership than of those in which there was no outward manifestation of such commitment.⁹⁷

(c) Ordination and induction

9.14 As we have said in section 7, ordination and induction raise issues of the lifestyle of and the example set by leaders in the Church. The issue of whether to ordain and induct people involved in same-sex relationships depends upon a decision of the Church on the prior question of its stance towards committed same-sex relationships. While it is possible and perhaps appropriate to decide both issues at the same time, it would be necessary to address also the practical issues which we have raised at the end of section 7 to ensure that ministers and other members of the Church who hold differing views can co-operate effectively in their Gospel work. Again the Church would need to put in place mechanisms to preserve and respect the integrity of those who disagree.

(iii) The civil law

9.15 Among the issues which the Church would have to consider under either trajectory would be whether what was proposed accorded with its obligations under the civil law.

9.16 In the consultation paper we briefly recorded the

⁹⁷ The Civil Partnership Act 2004 has some similarities to civil marriage in that people are not eligible to register as civil partners if either of them is already a civil partner or is lawfully married or if they are within the defined prohibited degrees of relationship: section 3 and Schedule 1. The civil partnership ends only on death, dissolution or annulment: section 1(3). A civil partnership may be dissolved if it has broken down irretrievably: section 44. Like civil marriage, and in contrast to Christian marriage, it does not involve the public expression of a life-long commitment.

range of legal views which we had received from the three distinguished lawyers whom we consulted. When preparing this report we obtained a further opinion from the Procurator to take account of any changes in the law since 2009. It appears that the exemptions from anti-discrimination legislation apply in relation to ministers of religion who advance the moral teaching of the church and perhaps also to those who represent the Church to the public; but it is likely that the civil law will not accept discrimination on grounds of religious belief in relation to people who do not have that teaching role. If the Church has a doctrine forbidding same-sex activity or if the ordination of ministers in same-sex relationships is in conflict with the strongly held religious convictions of a significant number of the followers of the Church (which the consultation response strongly suggests is the case), an exclusion of people in same-sex relationships from ordination and induction would, in the Procurator's opinion, accord with an exemption in the Equality Act 2010.⁹⁸ If the Church were to allow freedom of conscience in relation to the ordination and induction of people in same-sex relationships, it would need to consider the enactment of ecclesiastical legislation specifying that no congregation could be forced to have as its minister someone in such a relationship in order to benefit from the statutory exemption. The Church will require to obtain legal advice on whatever it proposes to do in this area in order to avoid unnecessary conflict with the civil law.

(iv) The timescale for the further work

9.17 It is therefore clear to us is that, in whichever direction the Church may decide to embark, there is further work to be done before it can responsibly decide to implement a particular course.

9.18 In our view, if the Church were to decide to favour an indefinite moratorium, it would need to allow one

year for the practical implications of that course to be considered and presented to the General Assembly of 2012. It would be the task of the theological commission to ascertain how long it would take to carry out its work of discernment and thus when it could report to a future General Assembly.

9.19 If the Church were to favour further investigation of a service to bless or otherwise recognise life-long committed same-sex relationships, we consider that the theological and practical work involved would realistically require about two years and thus the matter should be brought to the General Assembly of 2013.

Recommendations

9.20 In our recommendations below we set out how we think the Church should manage its affairs in the period until the future General Assembly takes a decision.

9.21 Before we set out our recommendations on the way forward, we wish to acknowledge the value of the service which homosexual Christians have given and give to our Church through their ministry. Whichever direction the Church takes in the future in relation to the ordination of people in same-sex relationships, it must respect them and show in its dealings with them God's love to all people.

9.23 We make the following recommendations on (a) the pastoral care of homosexual Christians and (b) the eligibility of people who are homosexual by orientation to hold office in the Church. We are unanimous in making these recommendations as to the proper approach by the Church to homosexual Christians and invite the General Assembly to adopt them.

(i) The pastoral care of homosexual Christians

1. 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.

⁹⁸ In particular the second exemption in Schedule 9 to the Equality Act 2010.

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.

2. 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.
3. 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.

(ii) *The eligibility of homosexual Christians to hold office*

4. 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.

The possible ways forward

9.24 To allow the further work to be carried out under either trajectory, it will be necessary to regulate the activity of the Church in the interim. Sub-paragraphs 1-3 and 6 of paragraph 9.27 below⁹⁹ seek to achieve that by:

- (a) preserving the moratorium which is in place (paragraph 6);
- (b) reaffirming the unlawfulness of any other form of discrimination (paragraph 1);

- (c) avoiding prejudice to existing ministers and deacons in the interim (paragraph 2); and
- (d) prohibiting the Courts, Councils and Committees of the Church from issuing press statements and discussions with the media in relation to contentious matters of human sexuality (paragraph 3).

9.25 We wish to clarify the scope of the proposed prohibition in (d) above. It is designed to prevent other institutions of the Church from engaging with the media while the theological commission is carrying out its work. We consider that it will be for the theological commission to engage the media, if so advised, when it completes its work. It is not intended to prevent members of the Church from discussing such issues at meetings, including public meetings, or from preaching or publishing articles on such issues.

9.26 It will be for the General Assembly to decide on the general trajectory which the Church should take by voting to adopt one of the alternatives set out in sub-paragraph 5 below.

9.27 We therefore propose for the consideration of the General Assembly that it should also resolve:

1. Subject to the moratorium set out in 6 below, to maintain the unlawfulness of discrimination in the Church on the grounds of sexual orientation in terms of the Act anent Discrimination (Act V of 2007).
2. During the moratorium set out in 6 below, to allow the induction into pastoral charges of ministers and deacons ordained before May 2009 who are in a same-sex relationship.
3. During the moratorium set out in 6 below, to instruct all Courts, Councils and Committees of the Church not to issue press statements or otherwise talk to the media in relation to contentious matters of human sexuality, in respect to Ordination and Induction to the Ministry of the Church of Scotland.

⁹⁹ The paragraphs are numbered differently in the draft deliverance (namely 3-8) because it deals first with the receipt of this report and the adoption of our recommendations in relation to homosexual Christians.

4. In the light of the experience of the Special Commission and, in particular, the need for a sustained theological addressing of the matters before the Church, to establish a Theological Commission of the General Assembly of seven persons representative of the breadth of the Church's theological understanding, with the task of addressing the theological issues raised in the course of the Special Commission's work; and to instruct the Selection Committee to bring names to a future session of the General Assembly

5. EITHER:

(a) 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) to 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) to 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.

OR:

(b) 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 to 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; and to report to the General Assembly of 2013.

6. 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 (subject to 2 above) induct any person in a same-sex relationship until 31 May 2013.

Conclusion

9.28 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.

9.29 In carrying out our work we have reminded ourselves repeatedly that we might be mistaken.

9.30 In continuing the process of prayerful discernment, for which we call, we believe that we and all members of the Church must, in the light of God's grace, look within ourselves and reach out to each other, to understand the mind of Jesus Christ, who in his life on earth was the human form and expression of the Word, or divine wisdom, of God the Father, and who by the Spirit lives within us.

In the name of the Commission

PATRICK S HODGE, *Convener*

APPENDIX MEMBERS OF THE SPECIAL COMMISSION

The Hon Lord Hodge (Patrick S Hodge), *Court of Session Judge; former Procurator to the General Assembly (Convener)*

Rev John P Chalmers, *formerly Pastoral Adviser and Associate Secretary (Ministries Support and Development), Ministries Council (resigned March 2010 on appointment as Principal Clerk)*

Mrs Ruth M Innes, *Advocate, member of Palmerston Place Church, Edinburgh*

Very Rev Dr Sheilagh M Kesting, *former Moderator of General Assembly, Secretary & Ecumenical Officer, Ecumenical Relations Committee*

Very Rev Dr David W Lunan, *former Moderator of General Assembly, formerly Clerk to the Presbytery of Glasgow (from March 2010)*

Rev Dr Donald MacEwan, *Minister of Largoward linked with St Monans, Secretary of the Working Group which produced "A Challenge to Unity"*

Rev Dr Angus Morrison, *Minister of Stornoway St Columba, immediate past Convener of Mission & Discipleship Council, also a member of the Working Group*

Rev James Stewart, *Minister of Perth: Letham St Mark's, with experience of a previous Commission*

Rev Professor Alan J Torrance, *Professor of Systematic Theology, University of St Andrews*

Miss Kim Wood, *Student at Dundee University; Moderator of the National Youth Assembly*

Clerk to the Special Commission Rev W Peter Graham, *former Clerk to the Presbytery of Edinburgh*

