

# THEOLOGICAL FORUM

## May 2014

20

### PROPOSED DELIVERANCE

#### The General Assembly:

1. Receive the Report and commend it for study throughout the Church.

## REPORT

### 1. Introduction

1.1 The Theological Forum was established by the General Assembly of 2013 'to resource, express and challenge the theology that informs the life and work of the Church'. Its remit is:

- a) To articulate and develop the doctrinal understanding of the Church in accordance with Holy Scripture and with reference to the confessional standards of the Church of Scotland
- b) To express the theological vision of the Church in its worship, fellowship, witness and mission in and beyond contemporary Scotland
- c) To respond to particular theological requests as and when these arise from the General Assembly, the Council of Assembly and the ecumenical partners of the Church
- d) To draw to the attention of the General Assembly theological matters which the Theological Forum considers to be of pressing contemporary relevance
- e) To stimulate wider theological reflection throughout the Church on key doctrinal, ethical and apologetic matters through the provision of appropriate materials and other activities.

1.2 This is a wide-ranging and challenging remit. In its first year of operation, the Forum chose to concentrate on the issues remitted to it by the 2013 General Assembly and on responding to requests for comment from Councils and Committees on aspects of their work. Even so, the Forum had to meet monthly and there was also extensive email communication between meetings. I am grateful

to the members of the Forum for their diligence and commitment and also for the grace and good humour with which all of the Forum's discussions were conducted.

### 2. Ecclesiological issues

#### 2.1 Introduction

2.1.1 The subject which dominated the Forum's work in the course of the year was the instruction from the 2013 General Assembly to explore the relevant ecclesiological issues informing the principles of the 'mixed economy' as set out in the Report of the Theological Commission. The instruction flowed from an unexpected but successful motion which emerged in the course of a long debate. The motion offered the Assembly a mediating solution but one in which the Traditionalist perspective is clearly affirmed as the Church's historic and current doctrine and practice. The General Assembly voted to:

1. Receive the Report of the Theological Commission and the Legal Appendix.
2. In the event of the General Assembly agreeing to transmit to Presbyteries either of the Overtures referred to in the Deliverance of the Theological Commission or any other Overture, agree:
  - (i) to instruct the Principal Clerk, the Procurator and the Solicitor of the Church to prepare a modified version of the Legal Appendix explaining the implications of approval or disapproval of the successful Overture, such background information to accompany the Overture in the 'Remits to Presbyteries';

- (ii) In line with the procedure used by the Special Commission in consulting with Presbyteries and in keeping with the voting procedure used by the General Assembly, instruct that a ballot paper be produced to accompany the Overture in the 'Remits to Presbyteries' and instruct every Presbytery to establish their response to the successful Overture by use of such a ballot paper.

**Note:** Section 2 of the Deliverance was agreed to before section 3 of the Deliverance was considered. When section 3 came to be considered, it was determined that no Overture would be sent to Presbyteries this year, and therefore section 2 of the Deliverance is not applicable this year. In terms, however, of section 3 of the Deliverance, the Legal Questions Committee, in bringing the Overture to next year's Assembly, will take account of the principles agreed in section 2.

3. (i) Affirm the Church's historic and current doctrine and practice in relation to human sexuality; nonetheless permit those Kirk Sessions who wish to depart from that doctrine and practice to do so.
- (ii) Instruct the Legal Questions Committee to bring an Overture to the General Assembly of 2014 which enacts the following principles of section 3(i) above:

**Principles of the Overture:**

1. Would not require the Church to abandon its traditional position.
2. But would allow individual congregations – by decisions of their Kirk Sessions – to depart from the Church's traditional position.
3. Would allow ministers and deacons (current and prospective) who are in civil partnerships to be selected for training and to be trained. Would also allow them to be ordained/inducted into a Charge the Kirk Session of which had decided to depart from the Church's traditional position.

4. Would cover inducted ministers **and** ministers and deacons working in other roles in congregations.
5. Would not enable one congregation to depart from traditional position where others in a linking do not wish to do so.
6. Would enable a Kirk Session to change its mind. But a minister or deacon who had been appointed to a congregation whose Kirk Session had decided to depart from the traditional position would not be prejudiced by a change of mind by the Kirk Session.
7. Would preserve liberty of opinion and responsible expression. Would not permit harassing or bullying.
8. Preserves right of members of presbyteries – whatever views – to engage or not in ordinations/inductions.

- (iii) Instruct the Theological Forum to explore the relevant ecclesiological issues informing the principles of the 'mixed economy' as set out in the Report of the Theological Commission and report to the General Assembly of 2014.
- (iv) Instruct all Courts, Councils and Committees of the Church not to make decisions in accordance with section 3.(i) above until the position in relation to the proposed Overture has been finally determined by a future General Assembly.

**2.1.2** In consequence, the Legal Questions Committee has drafted an Overture which *inter alia* states in Section 2.1 that 'The historic and current doctrine and practice of the Church in relation to human sexuality and their application to the ministers and deacons of the Church are hereby affirmed'. Section 2.2 notes that 'the historic and current doctrine and practice of the Church in relation to human sexuality, their application to the ministers and deacons of the Church and the provisions of this Act are points on which there is liberty of opinion in accordance with Declaratory Article V'. Section 2.3 notes

that 'In recognition of the diversity of views within the Church about the historic and current doctrine and practice of the Church in relation to human sexuality and their application to the ministers and deacons of the Church and in the interests of the peace and unity of the Church, departure from the practice of the Church shall be permitted to Kirk Sessions in terms of sections 3, 4 and 5 of this Act only'. The full text of the proposed Overture can be found in the Report of the Committee.

**2.1.3** Section 2 of the proposed Overture both affirms the historic and current doctrine and practice of the Church and permits limited departure from current practice following procedures specified in sections 3, 4 and 5. The Forum has not concentrated on the procedures outlined in sections 3, 4 and 5, but has confined itself to reflecting on the 'mixed economy' embedded in section 2, whereby the historic doctrine and practice are affirmed and constrained departure from practice is permitted.

**2.1.4** Living in a situation of such a kind is what the Assembly of 2013 called 'a mixed economy'. The phrase 'mixed economy' (coined by Rowan Williams as an ecclesiastical metaphor) is used differently in the Anglican Communion, where it refers to 'fresh expressions' and 'inherited' forms of church existing alongside each other within the same denomination in relationships of mutual respect and support.

**2.1.5** The Forum has used the phrase in a different context, with the intention of considering how two elements within the Church of Scotland may continue to work together despite their difference of approach and emphasis.

**2.1.6** The report of the Forum draws upon the history of the Church and its theology in an attempt to provide a context in which even if church people disagree, they may remain together in good conscience.

**2.1.7** The Forum was initially reluctant to re-engage with the now familiar arguments rehearsed by the Theological Commission, especially arguments about the interpretation of Scripture which have been brought to the Assembly on

many earlier occasions. However, reflection within the Forum convinced it that thinking in the wider Church had evolved and that there is a view that the underlying issue is a deep anxiety that the Church is prepared to set aside the apparently clear teachings of Scripture, thereby denying its authority. Consequently, the Forum offers a short introductory section which summarises thinking about different approaches to Scripture.

**2.1.8** The Forum is aware that in the minds of some, this report is 'an advocacy for the mixed economy'. The report of the Forum is just that, because that is what the General Assembly instructed it to produce. It has tried – in the limited time available to it – to produce a balanced and fair-minded report which can help people to understand that those with differing views, even on such an apparently polarising issue, may respect and work with each other. In so doing, they are no different from our predecessors in Scottish church history who were often unable to reach a single mind on many issues which taxed the Church.

## **2.2 Perspectives on the interpretation of Scripture**

**2.2.1** The Church of Scotland is a child of the European Reformation in the 16th century. The Reformation, in many ways a contest for authority, attempted to prioritise the teaching of Scripture over the traditions of the Roman Catholic Church of the day. In revolutionary steps, the Bible was translated from Latin into the graphic everyday languages of the people. Once the Bible was available, it was read avidly with a deliberately democratic presupposition, that the Scriptures are best interpreted by Scripture. This fresh thinking went hand in hand with a conviction that the activity and institutional form of the church required constant correction in each generation. This imparted particular dynamism to the Reformed Churches.

**2.2.2** The differing churches that evolved out of the Reformation did not find life easy or uncontentious. Though they were all Bible-based, they had fierce disagreements over predestination, over how Christ is present at the Lord's Supper, on the validity of infant

baptism, on the use of a prayer book, on observation of the Sabbath, on forms of church government (Presbyterian, Episcopalian or Congregational), and on the authority of the civil magistrate. And perhaps unsurprisingly, these disagreements are still with us today, but we are now more used to them. The disagreements after the Reformation in fact gradually contributed to an emerging religious toleration – in 1689 John Locke urged that ‘Neither pagan nor Mahometan nor Jew ought to be excluded from the civil rights of the commonwealth because of his religion’<sup>1</sup>.

**2.2.3** Some particular Reformation and 17th, 18th and 19th century readings of Scripture did more than produce competing understandings of predestination, baptism and church government. Some particular interpretations also legitimised the persecution and death of heretics, accusations of witchcraft and the judicial murder of ‘witches’, and the transatlantic slave trade. Some instances of Biblical interpretation, seen as normative, authorised what we now understand as racist understandings which led to discrimination in many places in the world and to institutionalised apartheid in South Africa. Particular theories of Biblical interpretation undoubtedly fostered the subordination of women. All of this is undeniable, and it is equally undeniable that such wrongful practices were combatted by others who also drew their inspiration from the Bible. Our inheritance of how we have used and misused Scripture cannot be forgotten and should make us wary today of claiming that any particular view is beyond dispute.

**2.2.4** Reflection on our history tells us that ways of reading Scripture undergo change. Today, we live in a world far removed from the assumptions of the late British Empire only one hundred years ago. We have seen one British colony after another achieve independence and claim its own history and identity. Inevitably, this means that today we read the Hebrew Scriptures with post-colonial eyes, and so with a greater awareness of, for instance, the plight of peoples displaced from their

land. In light of the genocide of the European Jews under the Nazi regime, today we read with greater nuance the references to the Jewish people in the Fourth Gospel. Such re-readings – and there are many today – do nothing to undermine our belief that the Word of God is living and active and continues to instruct and challenge us. Such re-awakenings do nothing to undermine our conviction that God still speaks to us through Scripture.

**2.2.5** As we reflect on our history, we are inescapably aware that the interpretation of Scripture has always been contested. Indeed, this process of argument is partly how the community of the people of God has grown and organised itself. There are traces of such argument in Scripture itself, for example in the varying accounts of the worth of kingship in the Hebrew Scriptures, in Jesus’ re-reading of Sabbath regulations and their purpose, and in his comments on divorce. We see a further stage in the growing confidence of early Christians that – contrary to the customary readings of Judaism – they could see Jesus prophesied in Isaiah.

**2.2.6** It is helpful to reflect that we have four gospels, not one. Together they tell us the story of Jesus, and we are used to navigating this plurality, understanding it as an enrichment in which each affirms the other, adding new dimensions, and that together they form a constrained or structured pluralism. Rather than pitting one against the other, we learn from the four to take account of the entire text.

**2.2.7** We recognise that there are at least two broad customary ways of reading Scripture in the Church today. One way is to try to apply Scripture as far as possible to the very different world we live in today. We have many continuing human realities which Scripture addresses – human greed, lack of faith, lack of kindness to others, selfishness, misplaced values, competing loyalties. We are also confronted by a number of ‘new realities’: one example is the presence of nuclear weapons whose horrific capacity for destruction and contamination did not exist in the world of the Bible. Biblically minded

<sup>1</sup> *A Letter concerning Toleration* (1689)

followers of Jesus Christ have tried to argue analogically from issues referred to explicitly in the Bible. Some have upheld nuclear deterrence as a way of restraining aggression. Others, perhaps in increasing numbers today, believe that any collusion with nuclear threat is deeply immoral. Today, arguably, we see a new phenomenon in the recognition of a given homosexual orientation, and we have new legal institutions (first civil partnership and now marriage) which embody the expression of homosexual love and encourage practices of faithfulness, commitment and permanence.

**2.2.8** Another way of reading Scripture today is associated with the Reformer Martin Luther. Luther so emphasised the 'good news' of the unconditional forgiveness offered by God as opposed to the anxiety and burden of reliance on our own good works that he effectively created a canon within the canon of Scripture. This meant that he read Scripture not in terms of an earlier medieval view that it was dictated word-by-word by the Holy Spirit, but in terms of its ability to bear witness to the glory of God in Jesus Christ. It meant that he had favourite passages which embodied the heart of the gospel and other passages – like the Epistle of James – which he found less central. On this view a portion of text draws its authority from its ability to bear witness to Christ as we encounter him today. William Robertson Smith drew upon the perspective of Martin Luther when he found himself placed on trial by the courts of the Free Church of Scotland in 1878-80.

**2.2.9** Few people use either of these methods or perspectives consistently. Most of us borrow strands from each and all of us have favourite passages of the Bible which seem to speak to us in particular ways. All of these ways of reading the Bible have legitimacy and have a long history behind them. The Forum notes that the Church of Scotland has for centuries affirmed that there are different interpretations of Scripture. The situation of deep disagreement that we find ourselves in today is not fundamentally different from disputes we have weathered and grown through in the past. In Scotland

disputes about predestination were especially bitter, and in the report we illustrate some more recent examples of living in a 'mixed economy'.

**2.2.10** The Forum is aware of the passion with which differing views are held today. It is aware of the argument that the issue is primarily about Scripture (a fundamental matter of the faith) rather than about sexuality. The view of the Forum is both to agree and disagree: Scripture is a fundamental element of our faith, but Christians believe in the Word of God Incarnate, and owe allegiance to Jesus our Saviour and Mediator rather than to a particular mode of textual interpretation. The Forum reminds members of the Church of Scotland of our fourfold gospel and our learned habit of integrating differing accounts of the story of Jesus. *That learned skill in holding together a constrained plurality* can serve us in other ways, and the Forum advises that the terms of the draft Overture, which affirms the Traditionalist perspective but permits limited departure from it (limited because it insists that practising homosexuals be in civil partnerships) is another example of constrained (or limited) plurality which is not unfaithful to at least some interpretations of Scripture and may be commended to the consciences of those who differ as a difference which can be tolerated.

**2.2.11** The Forum is aware of the divisive nature of the proposed Overture and the motion in the name of the Very Rev Albert Bogle that was accepted by the Assembly in 2013. In its reflection on how it can imaginatively help people to envisage accepting that kind of pluralism, the Forum took account of a practice called 'Scriptural Reasoning' which is a successful methodology for dialogue between Christians, Jews and Muslims. Scriptural Reasoning grew out of intense scriptural study between David Ford (a Christian at Cambridge University) and Peter Ochs (a Jew at the University of Virginia). Well aware of the fragility of human constructions, Peter Ochs referred to the institutions of Christianity and Judaism as 'tents'. He described their dialogue as being willing to step outside one's own tent, and "standing within sight of the tent's door" to converse with the other. There is no successful

inter-faith dialogue between people who are not 'committed' or 'have roots' in their own faith. No one gains from a careless blurring of the boundaries. But stepping outside of one's tent and conversing is to acknowledge the committed nature of others and to open oneself to the possibility of being stretched. It may be that today we could benefit from a 'Scriptural Reasoning' approach within our Church as well as outside it. That would be an approach that permits an open space between those who disagree, a space which neither privileges the contribution of one to the extent of excluding all others, nor a space which so flattens all texts that it erodes the particular understanding each text has to its adherents.

### 2.3 Some contextualising observations on the proposed Overture

2.3.1 In 1879 the Synod of the United Presbyterian Church, against the background of controversy over the interpretation of Scripture and the authority of the Westminster Confession, passed a Declaratory Act<sup>2</sup> the purpose of which was 'to set forth more clearly the view which the Synod takes of the teaching of Holy Scripture.' The Act addressed various themes, such as the doctrines of redemption and divine decrees, salvation through Christ alone, the role of the civil magistrate and the interpretation of the six days of creation. The intent was to enlarge the sense in which particular doctrines might be understood. For example, while declaring that 'none are saved except through the mediation of Christ' the Act also stated that 'it is not required to be held ... that God may not extend His grace to any who are without the pale of the ordinary means, as it may seem good in His sight'.

2.3.2 In 1892 the Free Church adopted the same approach, broadly covering the same themes. In this case, however, the adoption of the Act prompted a secession resulting in the formation of the Free Presbyterian Church. Seeking to limit further haemorrhaging the Free Church Assembly of 1894 returned to the matter, adopting a further

Declaratory Act. This declared that while the 1892 Act had been passed 'to remove difficulties and scruples which had been felt by some ... the statements contained in the said Act are not thereby imposed upon any of the Church's office bearers as part of the Standards of the Church.' In other words, a relaxing of the rules of interpretation was aimed at providing *more living space* for those who were beginning to see things differently (re-visionists). At the same time it was made clear that those who adhered to traditional ways of thinking and acting could continue to do so and were not being forced out.

2.3.3 In 1959 the General Assembly of the Church of Scotland approved legislation permitting the re-marriage of divorced persons in Church. The Act declared its revisionist credentials from the start with the phrase: 'Notwithstanding anything contained in the Act of 27th August 1647 approving of the Confession of Faith or in any other enactment of the General Assembly...'. It then went on to provide for a minister to solemnise such marriages, subject to certain safeguards and conditions. It also specifically declared that no minister would be required to conduct such marriages contrary to conscience. Again we see room being made for new thinking, with safeguards for those of a traditionalist mind-set. This is another example of a constrained pluralism. It is not a free for all, but involves a stepping outside of a particular tent.

2.3.4 In 1966 and 1968, respectively, the General Assembly approved legislation allowing for the ordination of women to the eldership and the ministry. Here the new regime was introduced by a simple declaration that women were eligible on the same terms and conditions as men. No specific provision was made for those opposed.

2.3.5 At the 2013 General Assembly an enabling option was brought forward by the Theological Commission which allowed for the ordination and induction of ministers in civil partnerships. Following the precedents outlined above this sought *to create space* for those who sensed a moving of the Spirit in this direction. At the same time conditions, such as the insistence on a civil

<sup>2</sup> The Declaratory Acts may be found in *Cox's Practice and Procedure in the Church of Scotland*, Sixth Edition, pages 435-437.

partnership if in a sexual relationship and protections, such as freedom to Kirk Sessions not to consider candidates in a civil partnership, were also in place. In the course of the debate, a counter-proposal was brought forward. This reversed the order of the model offered by the Theological Commission in first affirming the Traditionalist position and then proceeding to allow constrained departure from it by those who wished. It was this counter-proposal from prominent individuals on the Traditionalist wing of the argument, significantly accepting the prospect of ministers in civil partnerships, which found favour with the Assembly and the Legal Questions Committee was charged with fleshing out a set of principles into a new Overture. It may be noted that the successful counter-proposal did more than simply reverse the order of the model offered by the Theological Commission. It envisioned a more restrained regime overall in which Kirk Sessions would have to make a deliberate decision to opt out.

## 2.4 The unity of the Church often needs to withstand deep disagreement: the teaching of Calvin on Church Unity

2.4.1 On 13 March 1554, Calvin wrote a letter to the French Reformed believers in exile in the Rhineland town of Wesel<sup>3</sup>. This town allowed the refugees to maintain their own church, but also obliged them to celebrate communion in the town's Lutheran churches. The problem for the Reformed believers was not only that the Lutheran communion rites *looked* 'popish', but that they also insisted upon the real localised presence of Christ in the bread and wine: a doctrinal position which had been rejected by the Reformers. The church had therefore written to Calvin, asking whether they should stand by their doctrine and

<sup>3</sup> John Calvin, 'To the Brethren at Wesel: Entreaty not to break the unity of the Church because of some diversity in the ceremonies', Geneva, 13th March 1554. In Dr Jules Bonnet, ed., *Letters of John Calvin: Compiled from the Original Manuscripts & Edited with Historical Notes, Volume III*, (New York: Burt Franklin Reprints, 1972), Letter CCCXLVI, 29-32. For a detailed commentary on this letter, see Dr R. Faber, 'Preserving Church Unity: Calvin and the Believers at Wesel', *Clarion* Vol. 44, May 5, (1995). The full text of this article can be found here: <http://www.spindleworks.com/library/rfaber/wesel.htm>

refuse to participate, and in so doing, invite persecution and expulsion. The Polish Reformer, John à Lasco, had already counselled, *No compromise!* Calvin's moderate letter therefore came as a surprise.<sup>4</sup>

2.4.2 Calvin agreed that the doctrine of a localised 'real presence' is not an option for the Reformed faith. However, balancing this was an even more vital principle: the desirability of unity between the Lutheran and Reformed Protestants. Calvin saw clearly the danger of further fragmentation inherent in Protestantism's own self-justification, that it had split from Rome on the grounds of doctrinal purity. He spent much energy combating the Anabaptist 'purity' tradition, arguing in *Institutes IV*.<sup>5</sup> and in his *Refutation of the Schleithem Confession*<sup>6</sup> that when, 'under the colour of a zeal of perfection, we can bear no imperfection, either in the body, or in the members of the church, it is the devil which puffs us up with pride'<sup>7</sup>. Hence Calvin's insistence on the 'two marks' of the church: 'the word of God sincerely preached and heard' and 'the sacraments administered according to the institution of Christ'. The simple objectivity of the 'marks' was designed to bypass any over-zealous requirements for church purity, so that 'we are never to discard [the church] so long as these remain, though it may otherwise teem with numerous faults' (4.1.12).

2.4.3 When it comes to the issue of doctrinal purity, Calvin therefore makes a vital distinction: it is not a sin to separate from a church over a matter of fundamental

<sup>4</sup> See Bruce Gordon, *Calvin*, New Haven & London: Yale University Press, 2009; 240-1. Also Herman J. Selderhuis, (ed.), *The Calvin Handbook* (Grand Rapids: William B. Eerdmans Publishing Company, 2009), 149.

<sup>5</sup> John Calvin, *Institutes of the Christian Religion*, trans. Henry Beveridge (London: James Clarke & Co., Ltd), 1962. All book, chapter, and section references in parentheses.

<sup>6</sup> John Calvin, *A Refutation of the Schleithem Confession of the Anabaptists*. (Language modernised). Full unmodernised text here: [http://www.truecovenant.com/calvin/calvin\\_against\\_anabaptists.html#calvin\\_against\\_anabaptists\\_2\\_second\\_article\\_excommunication](http://www.truecovenant.com/calvin/calvin_against_anabaptists.html#calvin_against_anabaptists_2_second_article_excommunication)

<sup>7</sup> Calvin, *Refutation*, 25B.

doctrine; but it is most decidedly a sin to separate over a matter of secondary doctrine. Indeed, to separate for such a reason is even more sinful than whatever was the original fault, for separation is an act of violence, a tearing of the body of Christ, or a violation of the marriage of Christ and his bride (4.1.3).

**2.4.4** The question as to what is 'fundamental doctrine' Calvin clarifies as follows: 'For all the heads of true doctrine are not in the same position. Some are so necessary to be known, that all must hold them to be fixed ...: for instance, that God is one, that Christ is God, and the Son of God, that our salvation depends on the mercy of God, and the like'. In other words, the fundamental doctrines are by-and-large creedal. By contrast, secondary doctrines, disagree about them as we might, are those which do not destroy the essential 'unity of the faith' (4.1.12). After all, as Calvin points out, the churches in Corinth and Galatia were thoroughly corrupt both in morals *and* in doctrine, and yet Paul never seeks separation nor breaks communion with them. Quite the contrary: he 'acknowledges and heralds them as a Church of Christ and a society of saints' (4.1.14)<sup>8</sup>.

**2.4.5** Accordingly, it is mistaken and destructive for a Church to split over a non-fundamental matter of doctrine. It is destructive to raise a non-fundamental matter of doctrine to the status of a fundamental one, for this is precisely the act that causes the split in the first place. Therefore, unless a church can be deemed 'false' in some absolute sense (as Calvin deems the Roman Catholic Church in *Institutes* 4.2), then visible unity is a doctrinal imperative. For all its 'faults' of doctrine and practice, Calvin never judged the Lutheran tradition as a 'false church'.

**2.4.6** For the sake of the unity and survival of the church at Wesel, Calvin counselled that the exiles ought to 'support and suffer such abuses as it is not in your power to correct'<sup>9</sup>. They are not to go the way of the Anabaptist purists who, with their 'excessive rigour or moroseness'<sup>10</sup>

and 'immoderate severity' (4.1.13) set their judgement above God's, and omit the mercy that God requires. Rather, Calvin advises that it is 'perfectly lawful for the children of God to submit to many things of which they do not approve'<sup>11</sup>, particularly if by so doing, they protect the tender consciences of their 'weaker' Lutheran brethren. They need have no bad conscience themselves about this, for the administration of the Lord's Supper, and even the rival doctrines of 'localised' and 'spiritual' presence, are ultimately non-fundamental matters which do not affect the substance of the faith. Besides, the Reformed worshippers do not have to assent intellectually to the Lutheran doctrine of the Lord's Supper, even while for the sake of unity participating in the same rite.

**2.4.7** Besides, it is surely better to have a Reformed church in Wesel, even in slightly compromised form, than to have it driven out altogether by the Lutherans, or split apart by internal purists. As Calvin warns in his *Institutes*, while purity is always our goal, we must acknowledge that this is both a work in progress, and a work of Christ. Meanwhile, in our legitimate longing for that eschatological purity, we must be careful not to uproot the wheat with the tares, 'lest, by refusing to acknowledge any church, save one that is completely perfect, we leave no church at all.' (4.1.17) Conciliation is not merely a coherent doctrinal position, but is also an eminently practical one.

**2.4.8** While absolute unity in doctrine is a desired end, it is not a prerequisite to co-existence. Calvin admits that 'the best thing, indeed, is to be perfectly agreed,' but given that 'there is no man who is not involved in some mist of ignorance, we must either have no church at all, or pardon delusion in those things of which one may be ignorant, without violating the substance of religion and forfeiting salvation.' (4.1.12) For Calvin, the unity of the Church is more important even than unanimity of doctrine, and it should reassure us that the two are not absolutely dependent upon one another.

<sup>8</sup> See also Calvin, *Refutation*, 20B ff.

<sup>9</sup> Calvin, 'To the Brethren', 30.

<sup>10</sup> *Ibid.*, 31.

<sup>11</sup> *Ibid.*

## 2.5 Examples of Mixed Economies

**2.5.1** Examples of mixed economies are not hard to find in the contemporary Church of Scotland. At one level, there is a wide and increasing diversity in church music, worship styles, preaching styles, liturgical formality, ministerial vestments, and use of art and architecture. Fresh expressions of church alongside more traditional models will only further this divergence. Moreover, there remains a variety of forms of church government. A Kirk Session may co-exist with a Congregational Board, a Deacons' Court or a Board of Management, or may manage all the congregation's affairs itself. However, there are also central issues of doctrine and practice in which a mixed economy obtains: baptism, Holy Communion and re-marriage of divorced persons.

### 2.5.1.1 Baptism

There is a wide divergence of opinion and practice in baptism within the present-day Church of Scotland. There are ministers and Kirk Sessions who adhere closely to the Church's law found in Act V 2000 as amended by Act IX 2003, in particular in the administration of baptism to a child. In short, the law of the church allows baptism of a child where at least one parent or other family member (with parental consent) is baptised and is a member or adherent or expresses the desire to join the Church, and promises to undertake the Christian upbringing of the child. There are other ministers and Kirk Sessions who will make exceptions to this law, and will conduct baptisms of children where no parent or family member is baptised, or is a member or adherent or who has expressed the desire to join the Church.

The Act of 2003 effectively moves us in the direction of dual practice of believer's baptism and infant baptism. Provision is now made for those who, like Jürgen Moltmann and Karl Barth, believe that believer's baptism is the fundamental form.

Such differences in practice co-exist in the Church nationally, within Presbyteries, and in neighbouring parishes. There can be local friction, as when people

approach a neighbouring minister when their own parish minister, in applying the Act, has declined to baptise their child. The Act specifies the proper course of action in such a case: the neighbouring minister may only baptise the child with the family's parish minister's permission, which failing the consent of Presbytery must be sought.

### 2.5.1.2 Holy Communion

There is undoubtedly a mixed economy in the practice of Holy Communion. Act V 2000 as amended by Act IX 2003 states that the Lord's Table is open to any baptised person who loves the Lord and responds in faith to the invitation 'Take, eat'. This response is to be tested by the Kirk Session before authorising admission to the Lord's Table. In other words, the Church allows only members to receive communion. In practice, however, many ministers and Kirk Sessions will freely offer the sacrament to someone who is not baptised, and/or who has not, as the Act states, 'received instruction in the faith and order of the Church, is of Christian character and is ready to make public profession of faith.' This may be through a different theological understanding of the nature of sacraments generally, or a response to contemporary patterns of faith and church belonging. Furthermore, Kirk Sessions are permitted though not obliged to allow children to receive communion: this is to be decided by 'the free discretion of the Kirk Session' according to the Act. And indeed, while many churches do encourage children to receive communion, many do not permit it, and some disapprove of the practice.

### 2.5.1.3 Re-marriage of Divorced Persons

The Year Book of the Church states: 'By virtue of Act XXVI 1959, a minister of the Church of Scotland may lawfully solemnise the marriage of a person whose former marriage has been dissolved by divorce and whose former spouse is still alive.' Indeed, many such weddings, conducted by Church of Scotland ministers, do take place. But while ministers are permitted, they are not obliged to do so, if it would be against their conscience. And there are ministers who will not conduct services of re-marriage of divorced persons.

This, then, is an issue where a mixed economy obtains. The Act of 1959 was the fruit of about twenty years debate within the Church, with sharp divisions expressed. (See report to the General Assembly 2012, 'Believing in Marriage', 4.14, 7.14) The conscience clause recognised that, while a settlement in favour of permission was the will of the Church, there was a significant minority upon whom such a settlement could not be imposed. Indeed, the Special Commission on Same-Sex Relationships and the Ministry believed this to be such an intriguing parallel in some ways to the questions they were charged to address that they included material and a question on the parallel in their consultation process (Special Commission on Same-Sex Relationships and the Ministry, 2009 Consultation Paper, pp. 2, 7), and discussed it further in their report, concluding that '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.' (Special Commission on Same-Sex Relationships and the Ministry Report 2011, pp. 6-7, 12-13, quote at 3.7)

## 2.6 'Constrained difference' in historical context

**2.6.1** This report is arguing that it is theologically legitimate, and possible in good conscience to allow space for what we are calling 'constrained difference'. 'Constrained difference' may be a new and slightly awkward term, but it is intended to describe a 'constrained' or limited departure from a norm based on well-founded scriptural reasoning and not a 'free for all' state of relativism. It is not the belief of the Forum that tolerance of such difference necessitates division or is a fundamental offence to either Scripture or to Christian history. The Forum offers two examples from the ancient Church.

### 2.6.1.1 The vibrant and improvisational Church of the first three centuries

Writing, as we are, about 'constrained difference' implies that difference of any kind is an oddity or a threat to good order. We would suggest that this is a relatively modern

idea. The Church of Scotland of the nineteenth century showed far greater local difference than the Church of today. And nothing could be further from the case in the first three centuries – arguably the time of Christianity's most spectacular growth and most vibrant mission.

The first thing we know with any certainty about early Christianity is the sheer variety it showed in its missionary endeavours.

This is not entirely surprising. The earliest Christians met in houses – there were no institutional Christian meeting places for hundreds of years. In cities like Rome, houses meant flats, squeezed into tenement buildings to make the most of limited urban real estate. A growing religious community would quickly have had to splinter even while it was still in the one city. If even communities founded by the Apostle Paul could so quickly operate so differently, we should expect it all the more for a faith whose communities had been founded by disparate missionaries, and which had become Christian in diverse ways and with varying interests and priorities.

Putting earliest Christianity back into its proper Roman context gives us the picture of a vibrant new religion as a multitude of scattered cells, founded independently and in only spasmodic contact. These local communities were forged in different circumstances, grown in different environments and, like Darwin's finches, came to reflect their environments in their appearance. The shivering Roman soldier on the Empire's Scottish front had different spiritual and social needs from the wealthy intellectual in Alexandria.

The constructive improvisation of the earliest Christian communities would be startling to today's Church, but their activities were not 'unconstrained'. They understood that successful mission (like that of Paul to the ship workers of Corinth) had to be *indigenous* (that is, it had to be alongside the people where they really were) and it had to be *charitable* (in the sense that it was offered in love and for their benefit). Being indigenous was different from 'selling out to culture' but culture was something of

which the earliest Christian leaders were acutely aware. Paul rethought the Christian gospel in Greek rather than in Aramaic terms and found that this allowed him to speak even more constructively about Jesus.

The earliest Christian communities, in all their vibrant diversity, were also 'constrained' by what Irenaeus<sup>12</sup> called 'the canon of truth', an informal sense of the underlying structures of the Faith and a witness to Jesus as Lord, 'the deposit [of faith] which by the Spirit of God always rejuvenates itself and rejuvenates the vessel in which it is lodged'<sup>13</sup>.

The point is that Christianity's variety and its being indigenous were as much its strength as its problem.

#### 2.6.1.2 Augustine's understanding of 'constrained difference'

In 313 there was the Edict of Milan, enacted by the Emperor Constantine, which effectively disestablished paganism from the Roman Empire. It followed that the church entered a season of massive transition. By the time of Augustine in the late 300s and early 400s, the triumph of Christianity over the pagan world seemed complete. Augustine himself wrote of the church having grown from the blood of the victims of persecution and having triumphed at last. Yet Augustine, as he re-read St Paul at the turn of the century, was unable to remain complacent for long.

Augustine was not alone. Other Christian groups *mourned* for the valiant spirit of the persecuted church and felt ill at ease with an establishment which made Christianity seem comfortable. *In a time of transition*, Christianity struggled to find its place on the trajectory. From hindsight, we see that the fourth and fifth century church, as forms of nostalgia, developed increased interest in Christian history and a renewed cult of the martyrs, and that shrines were venerated, miracles celebrated. Most of all, there was the rise of Christian asceticism. All of these actions were

intended to reassure the church that establishment was not betrayal, that the church was still distinct from the world, even if it was no longer a stranger to it.

The chief critic of establishment was Pelagius. Pelagius was a British ascetic who summoned a pleasure-loving Roman world to strive for perfection and a kind of salvation by works. This *yearning* for acts of perfection had roots traceable to the teaching of Jesus himself. But Augustine, who was the greatest critic of Christian *ideology*, turned away from it. In place of the universal summons to perfection, he indicated our universal need for grace.

As part of his argument, Augustine did something which is easily forgotten but critically important today in our own attempts to remain on a trajectory which is as inclusive as possible. Augustine invented the notion of the 'secular'. The ancient world understood very well the distinction between the sacred and the profane. The sacred was the realm which belonged to the deity. The profane – the *pro fanum* – was the area outside the sanctuary and represents what is often called 'secular' today. That created the dichotomous polarisations with which we are so familiar, and which today do such damage in every area of public life. Augustine's invention of the 'religious secular' was, as the historian Robert Markus puts it, the identification of the 'religious adiaphora', the 'shared overlap between insider and outsider groups'<sup>14</sup>. Alongside his insistence on the need we all have for grace, Augustine *struggled* to preserve the notion of such a middle ground, the realm of the religious secular, without which he feared Western Christendom would close in on itself, with nothing to learn, no future hope, and the creation of a world in which it was simply safe<sup>15</sup>. That was the fifth century, but the issue still confronts us. Augustine would argue that *nothing threatens our future more than the current liking for easy polarisation and demonisation*

<sup>12</sup> The bishop of a fragile community in second century Lyons.

<sup>13</sup> Irenaeus, *Adv. Haer.* 3.38.1: *depositum juvenescens et juvenescere faciens.*

<sup>14</sup> Robert Markus: *Christianity and the Secular* (University of Notre Dame Press, Notre Dame, Indiana, 2006), p.6.

<sup>15</sup> In this dense summary, we owe much to Robert Markus's two books, *The End of Ancient Christianity* (Cambridge University Press, 1990) and *Christianity and the Secular* (op. cit.).

*of whatever we disagree with.* To survive and progress in our complex and changing world, we need to be able to hold on to a sense of the big picture and remain friendly towards those with whom we differ.

## 2.7 Conclusion

**2.7.1** The 2013 General Assembly expressed its wish to move to a version of the 'mixed economy' model which, while maintaining the traditional position on marriage and sexuality, was willing to accommodate a constrained diversity on the appointment of gay ministers in a civil partnership. Parallels can be drawn here with previous accommodations on divergent belief and practice in relation to *inter alia* the Westminster Confession, the presence of Christ at Holy Communion, the re-marriage of divorced persons and the practice of baptism. In each case, the Church of Scotland opted to maintain a traditional 'default' position but nevertheless to accommodate a greater diversity in belief and practice. These concessions could be criticised as introducing an admixture that was vapid if not incoherent; yet their worth in coping with theological and practical divisions is evident. The justification for now permitting a further mixed economy in relation to the ordination of gay ministers, in accordance with the terms of the decision of the 2013 Assembly, might be offered along the following lines.

**2.7.2** The Church has wrestled with the issue of gay relationships since at least the 1960s. Successive reports and votes in the General Assembly have revealed a deep division which has not proved capable of resolution over two or three generations. Any settled consensus within the Church is unlikely to be achieved in the foreseeable future. At the same time, each side is able to recognise the other (assuming that there are only two sides) as sincere, and as offering Scriptural and theological arguments for its position. Moreover, each has rightly sought to avoid labelling the other as either 'apostate' or 'homophobic'.

**2.7.3** For at least three centuries, the Kirk has been a broad national church able to accommodate significant differences in worship, theology and practice.

This has often led to diversity across and even within congregations. Notwithstanding some notable secessions and the Disruption, most of the time the Kirk has been able to embrace this diversity or at least to tolerate it, while recognising that the effects of splits and divisions are often harmful and require a disproportionate expenditure of time and energy to heal. The process of separation and subsequent union has often produced a surfeit of church buildings and diminished the wider mission of the Church to Scottish society.

**2.7.4** The successful overture at the last General Assembly may be viewed as the latest expression of the modern church's breadth, at a time when further division would be particularly damaging to its wider work. Despite claims to the contrary, there is an honesty and integrity in this position in its recognition that the Church, whether national or worldwide, has never held the same position across time and space on all matters of faith and doctrine. *The unity of the Church often needs to withstand deep disagreement* and to provide safe space for honest and sometimes painful exchanges. All churches need on occasion to find ways of maintaining the loyalty of dissenting groups and opinions. Indeed, one may reasonably argue that the proposed Overture merely formalises a diversity that already holds *de facto* across our congregations and their ministers. In doing so, the Overture offers greater transparency and legal security than an uncomfortable 'don't ask, don't tell' policy.

**2.7.5** The mixed economy in this form is admittedly an unstable position. We should recognise it as a temporary holding measure, although it is none the worse for that. In the light of experience and further discussion, the Church may wish to maintain a more unequivocal affirmation of its traditional position, seeing the proposed concession as an unwise yielding to secularist forces, as ethically unfruitful, and as lacking a mandate in the clear teaching of Scripture. Alternatively, the Church may be led to modify further its historic teaching on marriage and sexuality to recognise the validity of committed gay relationships, the contribution of gay couples to

the life of our congregations and the calling of women and men to the ordained ministry irrespective of their sexual orientation and commitments. In the meantime, the provisions of the Overture will facilitate differing convictions, while constraining the departure from traditional teaching and practice, during an extended period of reflection and deliberation which can allow the wisdom and insight of a younger generation to emerge.

### 3. Asexuality

3.1 The General Assembly in 2012 instructed that a report on the issue of asexuality should be prepared. A short definition of asexuality was included in the report of the Mission and Discipleship Council to the General Assembly of 2013. The Theological Forum now has the responsibility of presenting some reflections.

3.2 From the outset it should be noted that the study of 'asexuality' is in its infancy. There is not a corpus of mature reflection on asexuality which is remotely comparable to that on heterosexuality or homosexuality. To the best of our knowledge, no church has prepared a report in this area.

3.3 There appears to be a number of people in the population as a whole who regard themselves as asexual. Such people might maintain that they are not sexually attracted to anyone either of the opposite or of their own gender. Some surveys would suggest that around 1% of the population may consider themselves to be asexual. Most believe that they were born asexual and it is not, therefore, related to a lifestyle choice. While many might not engage in sexual relations, asexuality is not the same as celibacy which is a deliberate and conscious choice. Asexual people have the same emotional needs as others and are able to form intimate relationships. It is also evident that some people who consider themselves to be asexual do enter into long term relationships and marriage.

3.4 Some commentators from an asexual perspective might argue that St Paul in I Corinthians 7 is supportive of an 'asexual practice' as a way of life. Other commentators might read St Paul as advocating celibacy. Probably the

Church should be cautious about entering uncritically into any affirmation of a condition or state or orientation which has yet to be recognised fully, given the early stage of the investigation of this dimension of human personality. Instead, the Church, guided by the Gospel imperatives of love, care and concern in the message of Jesus, is called to extend respect and dignity to all who are made in the image and likeness of God. The Church therefore must affirm that God's love is extended and God's grace is offered to all men and women regardless of their sexual orientation (as in the report to the General Assembly of 2007, 'A Challenge to Unity: Same-sex relationships as an issue in theology and human relationships', pages 4/9 – 4/39). Similarly there can be no negative judgment of those who are single and who do not enter into partnership with others (General Assembly Reports of 2019, 'Being Single in Church and Society', Appendix 1, pages 4/58 – 4/102).

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*In the name of the Forum*

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