

The blessing of civil partnerships

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Miroslav Volf is a 67 year old Croatian Protestant theologian and public intellectual and Henry B. Wright Professor of Theology and director of the Yale Centre for Faith and Culture at Yale University (USA). His academic advisor was Jurgen Moltmann.

Miroslav Volf makes the point, in one of the foremost expositions of Free Church principles of recent times,¹ that for churches such as our own to flourish and attract others, outsiders need to have some degree of sympathy for the values that we stand for and embody.

1 Miroslav Volf, *After Our Likeness: The Church as the Image of the Trinity* (Grand Rapids: Eerdmans, 1998), pp. 17-18.

As an example he reckons that churches that operate in a 'top down', hierarchical fashion are at a disadvantage when it comes to transmitting their faith compared with those that reflect the values of equality and freedom prized by their wider communities. Otherwise, he argues, the 'social dissonance' between church and society becomes too great to overcome.²

2 Volf, p. 19

The commentary, not to say furore, following on from the Anglican Synod's failure in 2012 to agree a scheme for the appointment of women bishops was one example of society's expectation that the established Church will conform to current social expectations. At the same time, Volf says, 'Only a poor ecclesiology would simply chase after the developmental tendencies of modern societies...the social form of the church must find its basis in its own faith rather than in its social environment'.³

3 Volf, p. 15

Expressed in more familiar language, unless a church is distinct in its way of thinking and believing from its surrounding culture then it will have little or nothing worth transmitting to that society that the society does not already have or know. So though it might conform to the spirit of the age it would lack any form of transforming power. And against the predictions from the more liberal, especially in the Church of England, who cannot bear the thought of being a 'sect', it is the more conservative churches on this issue which show sustained growth and popularity in the real world rather than the virtual one.

The tension identified by Volf is one that is directly relevant to the church as it responds to issues of same-sex relations, civil partnerships and same-sex marriage. Until remarkably recently the consensus that same-sex activity is contrary to the Bible, tradition and reason was widely held across the churches and was hardly questioned in the general ethic taken for granted in the great majority of Western societies (and still prevailing in many non-Western societies of diverse religions and ideologies).

But now, pursuing the values of equality and inclusion to greater lengths and identifying same sex orientation as a 'protected characteristic', the pressure is on to squeeze out of the system anything that could be taken as exclusion in any part of the body politic. For those who wish both to be church and to be looked at favourably by outsiders this has become an intense issue. The church is seen as strangely out of step. For those who hold to previous views, now regarded as outdated, 'not in tune with modern Britain', 'on the wrong side of history', or worst of all 'homophobic', there is a pressure to conform, to make sufficient gestures in the direction of the secular ethic as to signal that one is gay-friendly not gay-hostile.

In the run up to the installation of the new Archbishop of Canterbury, the Sunday programme invited several Church of England clerics to offer Justin Welby some advice. Canon Rosie Harper, one of Radio 4's preferred clergy voices, was the first one to paint a picture of what she would like to see. She ended her talk by saying that she wanted the Church of England to be 'as much at home in our culture as Jesus was in his'. It takes only a moment's reflection to realise how spurious this is. If Jesus had been at home in his culture he would not have been 'a man of sorrows and acquainted with grief'. Neither would he have been crucified. Jesus was precisely not at home in his culture and to assert the opposite is to embrace the position that H. Richard Niebuhr described as 'the Christ of Culture'.⁴ Christ is called in as the Patron of the Way Things Are.

4 H. R. Niebuhr, *Christ and Culture* (New York: Harper and Row, 1951), pp. 83-115.

Over the years Baptists have successfully evaded major confrontations over same-sex controversies, unlike the fallings-out in some of our sister denominations. Partly here we are helped by our ecclesiology since 'each Church has liberty, under the guidance of the Holy Spirit to interpret and administer (Christ's) laws'. The Declaration of Principle offers us a clear focus on core issues and permits churches to come to their own mind on others which are not 'core'.

Steve Chalke's recent statements on the pastoral care of gay people and in particular references to the blessing of civil partnerships has brought us to the point where this question is to be visited afresh in our councils. In this section I wish to trace one possible path which is a possibility for the movement as a whole. I do this not to recommend it but to understand how it might be one possible option and to assess whether it could help negotiate the tension between being socially resonant and being socially 'other'. When I have done this I shall then turn to other issues relevant to the discussion but wider in scope.

Amongst Baptists it could be pointed out that the Baptist Union has never made a general statement about same-sex activity. Along with other such issues of sexual morality it has relied on their being an assumed consensus within the denomination. Its sole public and formal statement on the subject is in the Ministerial Recognition Rules (recently re-affirmed) where same sex practice and the advocacy of gay relationships are ruled to be unacceptable for ministers.

In other places I have pointed out how, given the Declaration of Principle's commitment to diversities of interpretation, the Baptist Union and its Council as such do not have the mandate to lay down prescriptions for churches other than in interpreting those issues which are core. Even decisions made by the Assembly are not bound to be received by each individual church.⁵ However when it comes to matters of accreditation the BU Council does have such a mandate and the right to lay down prescriptions for its ministers.

5 N. G. Wright, *New Baptists, New Agenda* (Carlisle: Paternoster, 2002), pp. 143-149.

The clause in the MR rules (in my judgment)⁶ has served its purpose well for over twenty years and has played its part in laying down a clear policy and averting possible damaging conflict both within and beyond the denomination. Given that public opinions and legislation have changed it is entirely valid to revisit this particular rule. The conclusion can be drawn that as in other matters of moral judgment how to respond to gay people is a matter, like many other matters, for the personal conscience of ministers and the discretion of the local church using its autonomy. Outwardly and publicly it could be said that this is an issue where the Union leaves people and churches to make their own minds up, so removing itself from the firing line.

6 'Homosexual orientation (whether male or female) is not of itself a reason for exclusion from ministry, but homosexual genital practice is to be regarded as unacceptable. Ministers are expected not to advocate homosexual or lesbian genital relationships as acceptable alternatives to male/female partnership in marriage'

Baptists have always tried to leave room for personal conscience and although such a policy makes it difficult or impossible to speak on any one subject with an authoritative and united word, it does secure potentially a way of living together while incidentally relieving the church-society stress factors referred to

at the beginning of this paper. If all were left to follow their conscience the majority might well continue as they currently are with only a minority choosing in some way to depart from the current line.

Gene Robinson, the Bishop of New Hampshire put forward the following anecdote: He described how in World War II four companions fought together in France. Four of them were Catholics and one a Jew. In the fighting the Jewish member of the group was killed and the others sought to give him an honourable burial in the cemetery of the local parish church. However the parish priest was unwilling to have him buried, as a Jew, in consecrated ground but did permit him to be buried just beyond the fence. Some years later the surviving soldiers returned to France to pay their respects to their comrade. They searched for the grave which they knew to be just beyond the fence but were unable to locate it. After hours of trying they asked the new parish priest to help them. He led them straight to it and explained: 'It didn't seem right to leave him outside, so I moved the fence'.

The point of the story, of course, is about inclusion – one of today's society's cardinal values. The priest behaved generously by making a small but significant gesture. He placed this above the religious consideration of consecrated ground. Could we then see some recognition of civil partnerships by the churches in the same light, a small but generous gesture that signals more than might seem? How much good would such a gesture do balanced against any harm that it might carry with it? Does it point to a redressing of the public debate? After all, those gay and lesbian people who seek for a civil partnership or an 'equal' marriage are at the end of the gay spectrum which wishes to be responsible, faithful and committed to each other.

A redressing of the debate could see the churches not resisting the more honourable advocates of same-sex commitment but co-operating with them to address issues of promiscuity and the commercialisation of sex in both gay and straight communities. The churches would have a place to stand which represents faithfulness to their concerns but puts them in better position.

It might be deduced from the above that there is a possible re-positioning that I personally would be concerned to consider. Let me also make it clear that were freedom of conscience and judgment be allowed for accredited ministers in the realm of who and what to bless, I am not persuaded my own conscience would permit me to bless a same-sex relationship in anything other than very restricted circumstances. Let me work my way through the considerations.

(1) Scripture and tradition

Both biblically and in terms of the church's teaching tradition there is very little if anything at all that validates sex between people of the same sex or enables us to re-exegete scripture to make it include same-sex activity. Neither is there anything like a trajectory that begins in scripture that takes us beyond its proscriptions. For revisionists this means therefore that the Bible is a problem to get round rather than 'a light to our path' and leads to the criticism that the Bible is being simply disregarded.

This is not to say that some of the points made are not valid. The sin of Sodom is clearly to be understood either as gang-rape or as a violation of the sacred rules of hospitality and the claim that it does not address loving and faithful same-sex relations as we conceive them today is valid. But it is not enough to neutralise the small number of references that refer to homosexuality since the Bible's chief claim to guide us is in what it says positively about the place of permanent male-female relations in the divine plan. If we wish to argue the case for same-sex relations we need to do so without the Bible's help.

(2) God's purpose

Christians believe that creation is a gift from God and that there is an order within creation. Genesis 1 describes that order in 1:27-28 and it is re-affirmed by Jesus own teaching. Same-sex sexual relations are nowhere mandated or validated but are regarded as a trespassing of divinely ordered boundaries. Verses such as Leviticus 18:22 ('You shall not lie with a male as with a woman; it is an abomination') are routinely dismissed as 'Stone Age texts' and on the ground that if we took Leviticus literally there would be other

things we did not do – such as eating prawns and stoning adulterers. However Leviticus is Bronze Age rather than Stone Age and contains some sublime teaching, not least about not hating, taking vengeance but rather loving our neighbour as ourselves (Leviticus 19:18).

Moreover the book as a whole, including some of the stranger texts about not mixing fabrics or materials has a connecting theme to do with respecting the integrity of God's creation but respecting the order that it displays and this is relevant to right sexual behaviour. Whereas Christians believe in a divine purpose underlying things contemporary culture prefers to believe that there is no purpose and so we can invent our own patterns of behaviour. This corresponds to the analysis of sin given in Genesis 3 which displays an overthrowing of God's order in favour of the human desire to invent our own. But to overthrow God's order is to seek to displace God.

(3) Disorder in creation.

In Catholic thought homosexuality is believed to be 'an intrinsic disorder' – a phrase that is strongly objected to in the gay community which wants to see its sexual orientation as entirely natural or, in the language of some, as 'God-given'. Traditional Christian thought however insists that human nature is fallen and that all human beings carry that disordered life with them in all things. We cannot claim therefore that the way we all are is the way we are supposed to be.

Disordered sexuality is something that all of us have to cope with and it takes varying forms whether we are straight or gay. The Book of Common Prayer was straightforward if not romantic in describing the purpose of (traditional) marriage, among other things as 'to satisfy men's carnal lusts and appetites, like brute beasts that have no understanding'. Human sexuality is wild and needs to be tamed. Marriage is part of the remedy.

(4) 'Equal marriage'

If marriage is given for, among other things, the taming or at least managing of our sexual instincts how does this relate to the sexual needs of same sex couples? Do the proponents of 'equal' marriage have a point?

It should be born in mind there that there is a difference between Christian marriage as a religious ceremony and civil union as a legal provision of the state. In other countries this difference is marked by the holding of two ceremonies – one in the civil realm and another in a religious ceremony. The state recognises the value of civil unions in stabilising society and supporting those who choose a civil union.

Understood thus it is within the realm of the civil power to define marriage as it chooses to do and it has a responsibility to provide such a privilege so as to cater for diversities of practice, religious or otherwise. Hitherto British law has made such provision by having a form of marriage for male-female partners and civil partnerships for same-sex partners.

This has seemed to me to be a sensible and workable arrangement since it provides for gay partners to have equal rights whilst also acknowledging that there are significant differences between marriage and civil partnerships. Recent developments suggest however that marriage for same-sex partners will also be introduced. Without contesting the democratic right of the civil power to introduce this (as other Western powers are doing) it is clear to me that it is both unnecessary and unhelpful.

First of all it renders vulnerable those who hold to the traditional pattern. Although assurances to the contrary are issued and 'quadruple locked safeguards' are mentioned, no-one knows what future governments or the courts will do and what the law of unintended consequences will throw up, especially in the face of an aggressive and campaigning gay lobby. For churches to safeguard Christian marriage my own recommendation is that the church be more clearly separated from the state at this point by relinquishing the convention of acting as civil registrars. Let the church be the church and the state be the state.

Secondly it seeks to equalise what is manifestly unequal. We should be clear at this point that equality of rights does not equal equality of content. While I might fully endorse and support the right of Muslims to worship and act according to their own beliefs and convictions this does not commit me to agreeing that Islam is equal in truth or saving power to faith in Christ. The chief point of inequality of content between traditional and gay marriage lies in the institution of traditional marriage as the place for the begetting and nurturing of children. Gay marriage becomes a matter of individual choice and romantic attachment on which personal happiness depends. Traditional marriage is that on which the survival of the human race depends. No contest.

Thirdly, already in the proposed introduction of gay marriage significant differences are emerging around the sexualities of gay and straight. Professor John Milbank of Nottingham University has pointed out that discussions of homosexuality have through squeamishness avoided discussion of its physical aspects. For gay marriage as proposed there will neither be a category for consummation of the marriage nor for adultery given 'both the different nature of gay sexuality and the different nature of gay relationships'. The binding and loosing of gay and straight marriages are stipulated differently thus defeating the very idea of equality which involves 'the application of universal rights to each individual in the same way'.⁷ In effect the difference between gay marriage and a civil partnership is simply cosmetic and the benefits of the former are no greater than those of the latter. But a necessary inequality between gay and straight marriage is maintained.

7 John Milbank, *The Tablet* (20 April 2013), p. 11.

(5) Civil partnerships

If it is agreed that the best and most appropriate way of delivering equal rights to gay couples is through civil partnerships, how should we respond to this? The Christian churches are right to resist the introduction of 'equal' marriage on the grounds just mentioned. Civil partnerships are not legally premised on sexual union and so to be in one does not of necessity require or imply sexual activity nor would this be a ground for dissolution. Ministers might actively support couples entering into a partnership in these circumstances for the sake of the privileges and security it might afford them.

What else might be said? The topic which is steadfastly avoided in this stage of the discussion is that of sexual congress. Instead, euphemisms abound here to avoid the topic. This is a pity since finally it is the very point at issue. Whereas I might fairly be asked to accord gays and lesbians the freedom to engage in same sex acts (who am I to decree otherwise?), I cannot and should not be asked to celebrate the acts themselves. The meaning of the damning (and largely undefined) word 'homophobia' has been broadened to mean either 'anyone who disagrees with anything gays or lesbians say' or 'anybody who displays any sense of involuntary revulsion when confronted with gay or lesbian sexual acts'.

However, this is to deny other people their sexuality whilst claiming the unqualified right to one's own. Sexuality is defined both by what 'turns me on' and by what 'turns me off'. One's sexual morality however is formed not only by subjectivity but by what one believes to be the best way to live. Neither the will of God nor evolutionary biology can be called in to confirm that 'blokes shagging blokes' (I put it so crudely to get beyond the euphemisms) is what sex is all about.

Furthermore, whereas the marriage service is constructed on the basis of the clear teaching of Scripture and therefore may be blessed in all its dimensions including the 'joy of bodily union' and the procreation of children, there is no such biblical mandate for same sex sexual activity. I am not mandated or authorised as a Christian minister to bless what God has not blessed. God has not blessed the sexual union of same-sex

couples and so for me to presume to bless this is to put myself in the place of God and tread the verges of blasphemy.⁸ This is what I will not do.

⁸ There are also health implications as outlined by Thomas E. Schmidt, *Straight and Narrow? Compassion and clarity in the homosexuality debate* (Leicester: IVP, 1995), pp. 100-130.

I did say earlier on that in certain restricted circumstance I might conduct some kind of blessing on a civil partnership. It is without doubt that for some of us who live in the 'penultimate', a less than ideal world where our options are limited and we are doing the best we can with the resources we have, a civil partnership represents a responsible and achievable course of action. I have no objection to the expression of companionship and mutual love through such a partnership. In fact I believe it to be good that we are not alone (Genesis 2:18), we are made for companionship.

The Christian church asks a good number of its members to be abstinent and believes that it is possible to live a full and satisfying life while doing so. Where this is the will and intention of a couple for Christ's sake and because being obedient to God in this way is their conviction, then they need all the blessing and assistance they can get. Others might judge and act differently in accordance with their conscience. But this is where I take up position.

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