



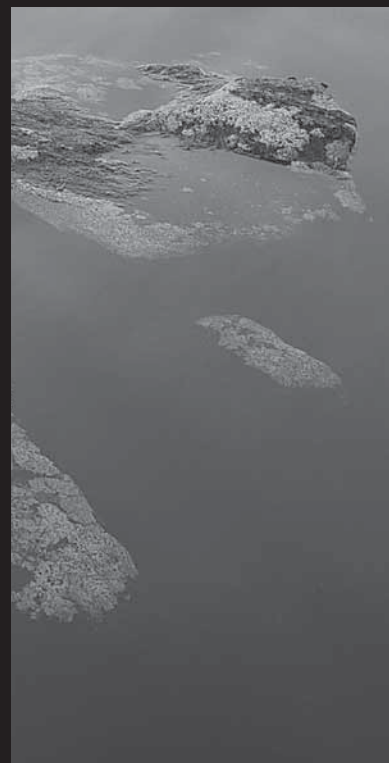
The Church of Scotland

General Assembly 2009

Consultation Paper

**Special Commission on Same-sex
Relationships and the Ministry**

Scottish Charity Number: SC011353



CONSULTATION PAPER BY THE SPECIAL COMMISSION ON SAME SEX RELATIONSHIPS AND THE MINISTRY

The General Assembly of 2009 appointed us as a Special Commission and gave us the remit of consulting with all Presbyteries and Kirk Sessions before reporting to the General Assembly of 2011.¹ We seek in this consultation paper to encourage people in our Church to engage with each other, and especially with those who hold different views, before answering the questions which we raise.

Overview

The General Assembly of 2007 accepted the report of the Working Group on Human Sexuality, "A challenge to unity: same-sex relationships as an issue in theology and human sexuality" ("the 2007 Report"). Our remit refers to that report and we have drawn on many of its insights. The 2007 Report is available on the Church's website at <http://churchofscotland.org.uk/extranet/xga/xgaspecialministry.htm#consultation>.

The other event to which our remit refers is the case of *Aitken and Others v the Presbytery of Aberdeen* which came before the General Assembly in 2009. That case arose out of the decision of the Presbytery of Aberdeen to sustain the call to the Rev Scott Rennie by Queen's Cross Church, Aberdeen. The General Assembly reached a decision on the dissent and complaint without first having debated the issue of whether people in same-sex relationships should be ordained and inducted into the Ministry of the Church of Scotland. As a result the General Assembly of 2009 reached no view on the principle of the ordination and induction of people in homosexual relationships.

That issue is the principal issue which we have been instructed to explore and, having consulted all Presbyteries

and Kirk Sessions, to prepare a study and report to the General Assembly of 2011.

In consequence of the General Assembly's deliverance which led to our appointment, the Presbytery of Lochcarron-Skye withdrew their Overture seeking a rule in effect that the Church should not allow a person involved in a sexual relationship outside of faithful marriage between a man and a woman to become a minister of our Church. The thinking behind that Overture and the arguments against it will be part of the discussion which we encourage. In the absence of a decision in principle on the ordination and induction of people in homosexual relationships, we do not consider that the decisions taken by the General Assembly of 2009 created a precedent which in any way forecloses that debate.

People within the Church hold differing views on the issue on which we have been asked to report and some, holding opposing opinions, argue their case with passion. Some who also have clear personal views on the issue find it easier than others to agree to disagree. We see it as our task to present in summary form the principal conflicting views so that people, who may not have applied their minds to the question, can readily understand the nature of the debate within the Church and thereby inform their own discussions.

This is a discussion within the Church of Scotland. But it is part of a wider debate within the Christian church and in secular society. The Christian debate is not on the same terms as the secular debate. The secular debate concentrates principally on the rights which the civil law confers on the individual. The Church has drawn its moral teachings from several sources. At the heart of the ethical teachings of the Church of Scotland is its understanding

¹ Our remit is set out in Appendix 1.

of the teachings of Scripture. Thus in the first Declaratory Article it is stated that “the Church of Scotland ...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.”

Those teachings include the commandments in the Old Testament and the teaching of Jesus of Nazareth. Jesus stressed the continuity between his teaching and the Old Testament, although precisely how that continuity is to be understood is a matter of debate. It is generally accepted that Jesus sought to focus his followers on the obligation to love God and one’s neighbour as oneself, which he saw as summarising the heart of the Jewish law, the Torah. In Jesus’ day Jews debated amongst themselves how to interpret the Old Testament law and Jesus took part in that complex debate.

Another line of Christian thinking is the theology of natural law which historically has played an important role in Roman Catholic thought and which also has featured in the thinking of certain Reformed theologians while being strongly opposed by others. Ideas of what is natural or unnatural have often underpinned Christian ethical judgements. Increasing scientific knowledge has altered what people have understood to be natural and has influenced the debate on homosexuality. The Working Party discussed this in more detail in the 2007 Report.²

The widespread belief in the early church that the second coming was imminent has been replaced by a different expectation after almost two thousand years of history. In that time the Church has adapted its understanding of matters, which are not at the core of the faith, to the insights of developing human knowledge and social change.

A relatively recent example of where the Church of Scotland has altered its position on an issue of morality is the change in its approach toward the remarriage of divorced persons. Although it is recorded in three Gospels that Jesus of Nazareth disapproved of people marrying after divorce,³ the Church in 1959 took the view that a minister could lawfully solemnise a marriage of a divorced person while the former spouse was still alive.⁴ As it was recognised that not every minister would agree with that stance, the Church enacted that a minister would not be required to solemnise a re-marriage against his or her conscience.⁵

The matters with which we are concerned in this consultation are also ones on which people acting in good faith can reach and have reached different conclusions. Thus one of the topics which we consider should form part of the discussion within the Church is how we can co-operate with those who do not share our views in order to allow the Church of Scotland and the wider church to perform its role in society at large.

How to approach the consultation exercise

It is very important that those who organise the discussions on this consultation paper in the Presbyteries and Kirk Sessions should strive to allow all voices within those bodies to be heard. There is little benefit in this consultation exercise if those with strong views stifle debate and give as a response a view which does not truly reflect the thinking of the respondent body. We suggest that respondents should allow sufficient time, say **two weeks**, for their members to read and consider this paper before holding a **special meeting** of the Presbytery or Kirk Session to discuss and answer the questions which we raise.

³ Matt 5:31-32; Mark 10:10-12; Luke 16:18.

⁴ Act XXVI of 1959: An Act anent Re-marriage of Divorced Persons.

⁵ Act XXVI of 1959, section 6.

² See section 4.15 of the 2007 Report.

We also urge those who convene and moderate the meetings to encourage open discussion and the expression of differing views, if they exist, within their body. To assist that process and to encourage those who find it difficult to speak out, we have decided to instruct respondents to hold a **secret ballot** on **questions 2 to 4 inclusive**. The secret ballot should take place after the debate or debates on the matters raised in this consultation paper and the clerk of the relevant Church court (Presbytery or Kirk Session) should count the answers given in the ballot papers and report on those figures in the consultation return. Further where there is disagreement in a body on the questions which are not the subject of the secret ballot we instruct respondents to identify those disagreements in their consultation returns and to provide some indication of the proportions of those answering in different ways.

We therefore request that, after debating and voting on the questions, respondent bodies report on the debate on each question and also on the results of the secret ballot on questions 2 to 4 inclusive. We enclose with this consultation paper voting forms which will allow members of the respondent bodies to record their views after a debate and also a style of consultation return for the clerks of the respondent bodies.

The context of the debate

We consider it important to say something about the context of the discussion for which we call before focusing on the issues on which we seek your views.

(i) Outside the Church

(a) Changing social attitudes

The attitude of society, not only but principally in Western countries, towards homosexual people has changed radically in the last hundred years and particularly in the last sixty years. In part this may have been the result of secularization and also a changed public morality in relation to sexual activity outside marriage.

But the change in approach towards homosexuality may also have been influenced by a profound change in attitudes towards minorities in our society since we became aware of the horrors of the extermination camps which were created in Europe in which people were murdered because they were Jewish, or homosexual or suffered from disability or because they were otherwise considered unfit to live by those who held power. As people came to appreciate the enormity of the crimes of those responsible for such actions, there emerged in the later 1940s and the decades which followed a broad international consensus which sought to give legal protection to all human beings. Thus the United Nations adopted the Universal Declaration of Human Rights in 1948 and in 1950 the Council of Europe framed the European Convention on Human Rights.

While the declarations on human rights were the work of those of differing religious faiths or of no religious belief, people who were active Christians made a major contribution to the formulation of both the Universal Declaration and the European Convention. Unsurprisingly, Christians have generally no problem in espousing the principles which underlie those declarations.

Other international conventions, such as the Geneva Convention on the Status of Refugees (1951), have sprung from the events of the 1940s.⁶ Several countries have adopted statements of fundamental rights in their constitutions.⁷ It is not too much to say that since the mid-twentieth century there has developed a human

⁶ The Refugee Convention imposes obligations on states to protect people who have a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion. Persecution of a person on the ground of sexual orientation falls within the Refugee Convention

⁷ Those countries include Canada, India, Ireland, New Zealand, South Africa.

rights morality, which is widely accepted as a norm. The Universal Declaration of Human Rights speaks of the inherent dignity of all members of the human family. Many outside the Christian church accept that as a starting point and are puzzled by the difficulties which the Christian churches face over the issue of sexual orientation. This may be so particularly with younger people. At the same time, in other parts of the world there is anxiety over the prospect of Western churches endorsing homosexual activity in any way.

We need to bear in mind that the way in which we conduct our internal debate on the issue of sexual orientation and the ministry may significantly affect the Church's task of outreach into the wider community and its international relationships.

(b) The context of the civil law

In our civil law⁸ it is now illegal to discriminate in the field of employment against a person on several grounds, including race, religious belief and sexual orientation.⁹

The Church is not immune from the civil law in relation to issues of employment such as sex discrimination.¹⁰ The civil law prohibits discrimination on the ground of sexual orientation and, unlike many churches, makes no distinction between orientation and practice. Thus acceptance of someone of homosexual orientation but a prohibition of homosexual practice would amount to discrimination. But the law gives the churches some freedom in that we are advised (a) that the regulations may possibly not apply to parish ministers as they may

not be employees or office-holders for the purposes of the particular regulations¹¹ and (b) there are limited exceptions from the prohibitions to accommodate religious beliefs.

The regulations allow discrimination on the basis of sexual orientation in relation to an occupation for the purposes of an organised religion in two circumstances. They are where the employer applies a requirement related to sexual orientation (i) so as to comply with the doctrines of the religion or (ii) because of the nature of the employment and the context in which it is carried out, so as to avoid conflicting with the strongly held religious convictions of a significant number of the religion's followers.

The legal advisers suggest that the courts will interpret the exceptions to the prohibition against discrimination narrowly and that it will not be easy to satisfy the tests. If the Equality Bill which is currently before the United Kingdom Parliament is enacted, the exemption will be available only in relation to people such as ministers who promote or explain religious doctrine or lead or assist in worship.

The legal advisers disagree on whether it would be easier for the Church to defend a ban on all sexual relations outside marriage. If the Church were of one mind on the issue of homosexual practice, it might be possible to argue that the ban was a proportionate means of complying with the doctrines of our religion.

⁸ We have taken legal advice from the Procurator and also from two other distinguished lawyers with expertise in employment law. Their opinions inform this part of the discussion.

⁹ See the Equality Act 2006 and the Employment Equality (Sexual Orientation) Regulations 2003.

¹⁰ *Percy v The Board of National Mission of the Church of Scotland* 2006 SC (HL) 1.

¹¹ The legal opinions, which we have received, are divided on this issue and it is reasonable to expect a legal challenge in the civil courts on this point. The Regulations would in any event apply to ministers who were employed under contracts of employment.

But having regard to the divided views of the Church, which the 2007 Report recorded, it may be that an employing organisation within the Church would have to rely on the second circumstance (*ie.* circumstance (ii) above).

Our legal advisers are agreed that, if the Equality Bill is enacted, there is a problem in that the civil law requires any occupational requirement which involves discrimination to be proportionate.¹² In that context there may be greater scope for compliance with the civil law if the Church were to leave the decision whether to require celibacy of a homosexual candidate to each Presbytery and Kirk Session rather than to impose a Church-wide rule, which might be held to be disproportionate and therefore illegal. But this is not clear and it may be possible for the Church to defend a prohibition on any sexual relations outside marriage in the civil courts.

If there were to be any allowance of homosexual practice, a rule which confined such practice to the context of a civil partnership would not be discriminatory having regard to the Church's stance that heterosexual activity should take place only within a marriage.

We will review the position of the Church under the civil law in our report in the light of the legislation that will then apply.

(c) Scientific understanding

Scientific understanding of the origins of sexual orientation has changed over time. In the 2007 report the Working Group stated:

"A particularly profound shift in recent societal mores is the perception and position of homosexuality – with indeed the very concept being a modern one.¹³ There is little consensus on the questions around the origins or causes of homosexuality. Biological science has no fixed view on why some people are attracted to members of the same sex, or both sexes, or the opposite sex. There is no clear picture as to whether genetics hold the key to homosexuality. Indeed, it is strongly disputed whether physiological causes alone are responsible for our patterns of desire. It is quite possible that, if physiological factors are central to our sexuality, they are likely to be multiple, varied and sensitive to environmental triggers; furthermore, even our physiology can be significantly affected by life experiences. The force of environmental influences on sexual orientation is also much debated. Evidence appears to indicate that there is no overwhelming cause or group of causes for homosexual preferences."

We consider that it would assist informed debate within the Church if we had a reliable statement on the present state of scientific knowledge. While many scientists accept that pre-natal events have a significant influence on sexual orientation, there appears to be little clarity on the mechanisms by which this comes about or on the role of environmental triggers to cause a person to manifest that orientation.

¹² Proportionality in this context has the meaning that the means are employed to achieve a legitimate aim and are necessary for its achievement. As a result the organisation which imposes a requirement related to sexual orientation must show that there is no less restrictive means of achieving that aim.

¹³ The footnote to this statement says that "homosexuality" as a concept was introduced in the 1860s and became popular only in the 20th century. The report expands on this (in paras 4.7.4-5) stating that homosexual activity has occurred throughout the ages but until recently people have not used sexual orientation as a fundamental part of their identity.

Certain matters do not appear to be seriously disputed. Only a very small minority of people (between 2% and 4%) would describe themselves as homosexual by orientation. Homosexuality is no longer seen as a psychological disorder. Sexual orientation cannot be forcibly changed. Homosexual people are no more likely than heterosexual people to abuse children and it is questionable whether homosexual people are any more promiscuous than heterosexual people.

In order to advance our thinking on the issue and to inform our eventual report we have commissioned a review of the scientific literature. This will take some time and it is likely that the review paper will not be available until after the end of the consultation period. We will discuss the conclusions of the scientific review in our report as a contribution to the debate in the General Assembly of 2011.

(ii) Within the Christian Church

Our Church has debated issues relating to homosexuality since the 1960s.¹⁴ Views on those issues have moved over time but the Church remains deeply divided on its approach to homosexual practice, civil partnerships, and on whether a practising homosexual should be ordained as a minister.

The General Assembly of 2007 accepted the 2007 report. The General Assembly urged Church members to commit themselves to dialogue over the issues which it raised and urged Kirk Sessions and Presbyteries to promote its widespread study.

The difficulties of internal disagreement which our Church faces over the ordination and induction of people who are homosexual in both orientation and practice are shared

by many other churches.¹⁵ We discuss the approaches which other churches have taken on pages 12-13 below.

Several churches have emphasised that it is important that we should not allow the serious disagreements which we have on the issue of sexual orientation and practice to cause us to lose sight of the much wider range of matters on which we can agree in relation to life and doctrine. Even when we focus on issues of sexual morality, few, if any, would challenge either the value of faithful marriage or the view that unfaithfulness, exploitative or predatory sexual behaviour, and violence towards a spouse or children are unacceptable behaviour. Thus the authors of the 2007 report stated, "In conclusion, it matters therefore to insist that on matters of sexuality the Church holds much more in common than that which divides us."¹⁶

The Debate

(i) Differing perspectives on homosexuality

It is not possible in a short consultation paper to do justice to the complexity of this topic or adequately to record the range of views which exist within the Church of Scotland. What follows is therefore a considerable simplification of the subject which is much more fully set out in the 2007 Report which we urge consultees to consider.¹⁷

In our discussion we use the terminology of the 2007 Report and refer to "traditionalist" and "revisionist" views. We recognise that our summary of the traditionalist and

¹⁴ For a useful overview of those debates, see the Very Rev Finlay Macdonald's "Confidence in a Changing Church" (2004) chapter 9.

¹⁵ We conducted a pre-consultation exercise to assist us in the presentation of fact in this consultation paper. We list the bodies to whom we wrote and who responded to our invitation in Appendix 3.

¹⁶ 2007 Report, paragraph 4.17.1

¹⁷ The website address is:
<http://churchofscotland.org.uk/extranet/xga/xgaspecialministry.htm#consultation>.

revisionist views is a simplification but we hope that it will serve as a basis for reflection and discussion when you consider how to answer the questions which we pose.

We emphasise the insight of the authors of the 2007 Report that both the traditionalist and the revisionist views have at their heart interpretations of Scripture, which people have reached in good faith. We invite consultees to consider the 2007 Report, and in particular sections 4.10 and 4.11 of the Report on the Interpretation of Scripture, and to have regard to and debate that insight when addressing the questions which we pose.

In considering what follows we invite you to consider these questions and thereafter to answer them:

1. The Biblical Witness.

- a) **How should we think about same-sex relationships in the light of the Bible's witness to God's purposes for humanity?**
- b) **Does this suggest that our approach to same-sex relationships should be different from our approach to remarrying divorcees, for example?¹⁸ Why/why not?**

The traditionalist view

The traditionalist view, as its name suggests, has the weight of a long tradition within the wider church which has for centuries interpreted Scripture as stating that homosexual practice is a wrong choice.

¹⁸ See the discussion on p.2 above on the re-marriage of divorcees. This question invites you to consider the Church's approach to the interpretation of Scripture and to discuss whether and if so why the Church must be of one view in relation to the ordination of people in homosexual relationships when in relation to the re-marriage of divorced people the Church allows ministers freedom of conscience, notwithstanding the Gospel texts referred to in footnote 3 above.

The Biblical basis of the view is in part specific texts in the Old Testament¹⁹ and in the Epistles of the New Testament,²⁰ in which homosexual practice is condemned, and in part a broader theology which views the message of the Bible to be that sexual relations should take place only between a man and a woman within marriage. Marriage is seen as the vehicle for family life and the continuation of the human existence. The traditionalist view is that from the Book of Genesis²¹ and throughout the Bible there is a clear message that a man and a woman complement each other and the union of a man and a woman is God's wish for humanity.²² It is in this context that the traditionalist understands the passages in the Bible which contain condemnations of homosexual practices.

The complementary nature of men and women is seen from the start of the Bible. Thus in Genesis 1:27 it is stated:

"God created humankind in his image,
In the image of God he created them;
male and female he created them."

And in Genesis 2:24 the sexual union of a husband and a wife is presented as a good relationship:

"Therefore a man leaves his father and his mother and
clings to his wife, and they become one flesh."

Traditionalists point out that when Scripture mentions homosexual practice it is invariably opposed to it.²³ Their interpretation of the Bible is that it is the clear will of God that sexual expression should occur only between a man and a woman within a marriage and that any homosexual activity is a wrong choice. While Jesus of Nazareth does

¹⁹ See in particular Leviticus 18:22, 20:13; Genesis 19.

²⁰ Principally Romans 1:18-32; but also 1 Cor. 6:9-10; 1 Tim. 1:10; Jude 7.

²¹ Chapters 1-3.

²² See for example Matt 19:3-9, Mark 10:5-9.

²³ See footnotes 19 and 20 above.

not mention or condemn homosexual practice, the traditionalist infers that that was because he accepted the Old Testament position.²⁴

The apostle Paul, while commending celibacy and taking the view that marriage could be an impediment to the follower of Jesus, presented marriage of a man and a woman as a good option and as the only place in which sexual activity was permitted. He suggested that the love of a husband for a wife might mirror Christ's love for the church.²⁵ The Bible manifests a high regard for marriage. It is a measure of that regard that Paul uses marriage as a metaphor to represent Christ's relationship to his Church. By contrast, homosexual activity and sexual activity outside marriage are presented as examples of the disordered state of humanity.

In support of that interpretation the traditionalist cites the long Christian tradition of treating homosexual acts as sinful. The Church Fathers, theologians and thinkers both in the Middle Ages and after the Reformation supported this view. Traditionalists argue that their position is one which the Church everywhere has always held and is thus the Catholic view.

While holding this view, the traditionalist does not tolerate homophobia. All humanity falls short of what is expected of them. People who are homosexual by orientation are to be welcomed and supported by the Church. People who are homosexual by orientation and practice are also to be welcomed to worship in the Church as the Church is there for all people. Many homosexual Christians struggle with their orientation but believe that the only course of action is to remain celibate.

The problem, the traditionalist argues, is that the Church would be departing from Scriptural teaching if it were to

accept a practising homosexual into a leadership role of the ministry. To ordain and induct a minister who was in an active homosexual relationship would be to appoint as a leader in the Church someone who asserted the right to live in a way which Scripture condemned. The traditionalist concludes that the traditionalist stance is not in any spirit of homophobia but in the belief that the Church must remain faithful to what Scripture is plainly teaching, namely that homosexual practice is a sin.

The revisionist view

The revisionist view has developed during and since the twentieth century. It also is grounded on a Biblical interpretation. It does not rest on specific statements about sexual behaviour but on a broader theology of God's purpose and the message of Jesus of Nazareth.

The starting point is the inclusiveness of God's grace, which is the core of Christian belief.²⁶ The teaching and life of Jesus emphasised God's love and openness to the powerless and marginalized in society.²⁷ Jesus did not seek to overthrow the law of the Old Testament, but interpreted the Jewish law (Torah) as summarised in the two commandments: to love God and to love your neighbour as yourself.²⁸ Jesus also taught that all of his disciples should undertake a radical self-denial. In light of this counsel of perfection, both Jesus and Paul emphasised that no-one does right. God extends His inclusive grace to men and women, slaves, peoples of all races, heterosexuals and homosexuals.

²⁴ Matt 5:17-20.

²⁵ Ephesians 5:21-23.

²⁶ See, for example, Matt 28:18-20; Mark 16:15-16. John 3:16-17, John 6:35-40; John 10:14-18. See also the Pauline message of God's purpose to show mercy to all mankind: e.g. Romans 11:25-32.

²⁷ See for example his choice of disciples: Matt 4:18 & 9:9, Mark 2:13-14, Luke 5 and 6. See also Matt 11:25-30, Matt 21:28-46; Luke 4:16-30, Luke 7:36-50; Luke 15; Luke 18:9-14.

²⁸ Matt 22:34-40; see also Romans 13:7-10

Revisionists point out that in the Gospels Jesus does not refer to or condemn homosexual practices. They infer that, while Jewish society rejected homosexual practice at the time of Jesus' ministry, a condemnation of homosexuality was not part of his message. While Jesus upheld marriage for those who were made for heterosexual union, he also acknowledged that marriage was not for everyone.²⁹

While acknowledging that there are passages in the Bible, but not in the Gospels, which condemn homosexual activity, the revisionist argues that those occasional references are not, or may not be, addressing long-term same-sex partnerships. The Bible recognises the value of relationships of love and commitment between people of the same sex; although they are not presented as sexual relationships, the deep friendships of David and Jonathan and of Ruth and Naomi are portrayed positively.

The revisionist questions the traditionalist's reliance on the early chapters of Genesis as a basis for a systematic theology; scientific discoveries and modern methods of reading Scripture have complicated our approach to that Book.

The revisionist does not deny that the tradition of the Church has involved opposition to homosexual practice. But Christianity is not an unchanging monolith. Attitudes within the Church have changed over time. Sexual activity is no longer seen as inherently sinful as it has been in parts of the Christian tradition. In the modern Protestant tradition, not least, heterosexual activity within marriage is seen as a gift of God to be enjoyed for its own sake and as a component of a much wider faithful relationship between two people and is not seen to be justified only if there is the possibility of the procreation of children.

Several Biblical practices are no longer acceptable. The Levitical purity codes, which make reference to a variety of practices, have to be seen in the social context of those

times and not as unchanging prescriptions. Moreover, most Christians no longer accept that it is proper to tolerate slavery. Many churches have interpreted the love of God, which Jesus endorses, as overriding his disapproval of divorce and remarriage.

Not all of the Church's traditions are noble. While in the Middle Ages and also after the Reformation churches often aligned themselves to those who held power, many hold that that was wrong and that the Church should stand up for the poor, the weak and the marginalised. In its history, within the last hundred years, the Church of Scotland has been guilty of racial discrimination. Moreover, the historic exclusion of women from leadership roles effectively silenced them in most avenues of the church's life, denying the church the benefit of their voice.

A person is not to be condemned for a homosexual orientation as that is not a matter of choice. Homosexual practice in a stable, loving relationship is not a threat to the institution of marriage in the way in which the trivialization of sexual behaviour and casual sexual liaisons may be.

The revisionist accepts that many in the Church would be uncomfortable if their minister were to be a practising homosexual. But there are many others in the Church for whom that is not a problem. For them it would be unjust and contrary to their understanding of Jesus' teaching to deny someone who has a calling to serve God in the Ministry an opportunity to do so.

Differing views

It is not possible in a short discussion paper to do justice to the range of views which people hold within the Church. It would not be correct to see the Church as polarised between a fixed traditionalist view and a similarly fixed revisionist view. There is a range of views among people who would see themselves to be within a traditionalist grouping in the Church. Similarly there are varying opinions among those who hold generally revisionist views. Accordingly, there are points which

²⁹ Matt 19: 10-12.

we make in presenting a traditionalist view which are shared by many of those who hold a revisionist view and vice versa. Within the Church people of homosexual orientation hold different views on what is demanded of them if they wish to pursue a calling to be a minister. Many people within the Church may not have a firm view on the matter at all.

Our summary therefore may not capture precisely the thinking of individuals and bodies. Nonetheless, we think that it is very important that people should take care not to attribute to those with whom they disagree positions which in fact they do not hold.

In considering the questions which follow, we invite you to bear in mind what we have said above in the section entitled "How to approach the consultation exercise".

In particular we ask you to begin by considering and discussing question 2(a) to allow people to express their certainty or uncertainty on the issue. The descriptions in question 2(b) are intended to help members of the respondent bodies to identify their present views and to reflect on them in the light of the views which others may express in the debate which follows. You are asked to use the ballot papers to express the views which you hold after the debate has been completed.

For the avoidance of doubt, for the purpose of these questions (i) we include within the term "homosexual orientation" bi-sexual orientation to the extent that it involves same-sex sexual attraction and (ii) we use the term "same-sex relationships" to describe sexual relationships of that nature.

We invite you to answer the following questions:

2. Approaches to Same-Sex Relationships

- a) **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?**
- b) **Do any of the following descriptions help you to summarise your present position fairly and accurately? If not, how would you describe where you stand on the issue?**
- (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.

(ii) Ministry in the Church of Scotland

In our internal discussions we have debated whether, in the context of the Protestant tradition of the priesthood of all believers,³⁰ the Church should expect different standards from its ministers from those expected of its other members.

We acknowledge that all Christians are called to aspire to the same high standards of behaviour. Nonetheless, those who take on leadership roles within the Church as a matter of fact although not of principle find their personal behaviour more exposed to public scrutiny than those who do not have so public a profile. This has long been recognised.³¹

In our tradition a person is ordained only after he or she answers affirmatively questions concerning faith, including his or her belief 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.” In relation to future behaviour the person seeking to be a minister promises, among other things, to seek the unity and peace of this Church, to cherish a spirit of love towards other Christians and also to live a godly and circumspect life.³²

Thus recognition of the authority of the Word of God which is contained in Scripture is an essential belief for a minister. In carrying out the tasks of his or her calling the minister must seek to promote the unity and peace of the Church and must, whatever his or her sexual orientation, live a godly and circumspect life.

Many people may think that all Christians should undertake such duties; many others may take the view that undertaking a leadership role imposes on a leader in the Church a higher standard than that demanded of other members of the Church.

There is also a question of the practical acceptability of a candidate for the ministry. A candidate’s suitability for ordination to the Ministry of Word and Sacrament will depend not only on questions of belief but also on personal qualities such as trustworthiness, wisdom, integrity of faith and life, a care for others and circumspection in lifestyle. Whatever a person’s sexual orientation, those charged with the selection of ministers will look for those qualities in a candidate. We also need to consider the gifts which an individual can bring to the service of the Church.

The Church of Scotland’s most recent reflections on the nature of ordination can be found in the reports of the Panel on Doctrine to the General Assemblies of 2000 and 2001.³³ We encourage respondents to read those reports. We will discuss ordination and the nature of the call to Ministry of Word and Sacrament in more detail in our report.

³⁰ By this we mean that all Christians are called to ministry.

³¹ See the advice of St Paul in 1 Timothy 3. See also James 3:1.

³² Act I of 1929 as amended by Act X1 of 1958 and by the deliverance of the General Assembly in 1991. Weatherhead, p.164.

³³ The texts of these reports can be obtained on the Special Commission’s web page: <http://churchofscotland.org.uk/extranet/xga/xgaspecialministry.htm#consultation>

We wish to know your views on these matters and therefore ask the following questions:

- 3. Ordination/leadership in the Church**
- a) 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?**
- b) Should a person in a same-sex relationship be permitted to be an ordained minister within the Church? Why/why not?**
- c) Should a person in a civil partnership be permitted to be an ordained minister within the Church? Why/why not?**
- d) Should a person in a same-sex relationship be permitted to have a leadership role within the Church? Why/why not?**
- e) Should a person in a civil partnership be permitted to have a leadership role within the Church? Why/why not?**

Coping with diversity of view: the debate in other churches

It is the stated view of most churches, including the Roman Catholic and Orthodox churches, that sexual relations should take place only within marriage.³⁴ But the experience of some of their adherents and developing views on the origins and naturalness of differing sexual orientations have challenged some churches to review this stance. This has caused tension within denominations and in ecumenical discussions.

³⁴ Churches in the Protestant tradition allow their ministers to marry. In some churches the debate on sexual activity in relation to the clergy takes a different form: in the Roman Catholic Church, priests are required to be celibate; in the Orthodox Churches only bishops need to be celibate.

Our Church has taken up the challenge of this debate. In our pre-consultation enquiries to inform this consultation paper we concentrated on obtaining the views of churches which had debated the issue of homosexual practice and the ministry in order that we might learn from their experience.

Most of the churches which we consulted share something of the breadth of theological spectrum which is found in our own Church. They have therefore had to face the divisive nature of this debate. Most of the churches have been wrestling with the issue for twenty or thirty years. Most have affirmed at various points during this time that ministers and other leaders in the Church should not live in a sexual relationship outside of faithful marriage, while at the same time enabling a continued process of listening and study, recognising that this was a highly contentious area that threatened the unity of the church.

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 counsel 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.

All but one of the churches that responded have been through processes of listening and discerning. Materials have been produced to assist in the study, all of them giving biblical and theological material in support of different perspectives. Some included available scientific information and many also included personal stories.

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.”

Two churches, the Church of Sweden and the United Church of Canada, make no distinction based on the sexuality of people living in partnership and the Church of Sweden, like the Religious Society of Friends, has gone so far as to equate committed same-sex relations with marriage. The Methodist Church has coped with its diversity by adopting a pastoral approach, affirming both the traditional moral teaching of the Church and the participation and ministry of homosexual people in the Church, and leaving decisions about particular cases to be taken by appropriate committees against that background. In 1993 they entered a process of discernment entitled “a Pilgrimage of faith”. This process has now ended with the indication that the people of the Methodist Church are prepared to live in fellowship about issues of human sexuality.

Two churches had experienced a loss of membership and finance in reaction to a more accepting attitude to the place of people living in committed same-sex partnerships but had recovered both within a relatively short period.

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

How the Church should deal with disagreement

We have the task of consulting with you so that the views of Presbyteries and Kirk Sessions can inform the debates which the General Assembly may have in future. We do not expect that this consultation will cause many people to reach complete agreement where previously they have disagreed. But it nonetheless gives an opportunity for people to listen to those who have different views and to strive to understand those views.

Historically the Church of Scotland has allowed people to remain in the same body although they have interpreted the Bible differently and held significantly diverging views on doctrine. At its most simple, a member of the Church who has not been happy with the teachings of a particular minister or the governance of a particular Kirk Session has been able to move to another congregation where he or she has felt more at home. At a constitutional level, the Church in its Declaratory Articles allows liberty of opinion on “points which do not enter into the substance of the faith.”³⁵

Notwithstanding the Church’s tradition as a broad church, there are some on both sides of the argument which we are addressing who have expressed views that they may not be able to remain within the Church unless the Church adopts the line which they advocate. Those who hold such a view may have to consider whether if the Church were to take a view which is contrary to theirs that would be heretical. In this context we use the expression “heresy” to denote a view that contradicts the essence of the Christian Gospel and thus the substance of the faith as it is expressed in the creeds and confessions of the one worldwide church.

Heresy and orthodoxy are concerned principally with doctrine, such as about the nature of Jesus of Nazareth or whether humankind was perfectable without redemption,³⁶ rather than ways of living. The early church adopted creeds, such as the Nicene Creed, as a means of resolving such doctrinal disputes and of establishing the authentic Christian faith. If one were to call a view

³⁵ The Fifth Declaratory Article. This article recognises the Church’s right to frame or adopt its subordinate standards “but always in agreement with the Word of God and the fundamental doctrines of the Christian Faith”.

³⁶ For example the Arian and Pelagian heresies recently discussed by Alister McGrath in “Heresy, A History of Defending the Truth” (SPCK 2009).

on morality with which one disagreed “heretical”, one might have to consider whether and if so how that view contradicted the substance of the faith as expressed in the Church’s creeds.

Some people hold strongly to their interpretation of what Jesus has taught, but recognise that others within the same Church can with sincerity and integrity hold opposing views which are based on a different scriptural interpretation. Others consider that the Church is causing itself unnecessary harm by engaging in a divisive debate on an issue which they do not see as central to the Gospel message.

We seek your views on how we as a Church should deal with our differences and invite you to answer the following questions:

4. The Unity of the Church of Scotland

a) 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? If not, how would you describe where you stand on the issue?

(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’.

[‘Heretical’ here denotes a view that contradicts the essence of the Christian Gospel and thus the substance of the faith as it is expressed in the creeds and confessions of the one worldwide church.]

(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’.

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

(i) if the General Assembly were to allow people in committed same-sex relationships to be ordained as ministers?

(ii) if the General Assembly were to allow people in committed same-sex relationships to have other leadership roles within the Church?

(iii) 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?

- c) **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?

5. **Are there any additional points you wish to raise which the preceding questions have not addressed?**

Summary of the questions which we ask

The Special Commission wishes all respondents to treat this as an exercise in discerning the varieties of views within Presbyteries and Kirk Sessions. Consequently, where there is not unanimity, please provide some indication of the proportions of those within a Presbytery or Kirk Session answering in different ways. We refer to the instructions on “How to approach the consultation exercise” on pp. 2-3 of the consultation paper.

In the questions we use the word “we” to refer to Christians as members of the Body of Christ. Where we use the word “you” we are addressing both the respondent bodies and also each member of those bodies to elicit differences of views.

1. The Biblical Witness

- a) How should we think about same-sex relationships in the light of the Bible’s witness to God’s purposes for humanity?
- b) Does this suggest that our approach to same-sex relationships should be different from our approach to remarrying divorcees, for example? Why/why not?

2. Approaches to Same-Sex Relationships

- a) 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?
- b) Do any of the following descriptions help you to summarise your present position fairly and accurately? If not, how would you describe where you stand on the issue?
- (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.

3. Ordination/leadership in the Church

- a) 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?
- b) Should a person in a same-sex relationship be permitted to be an ordained minister within the Church? Why/why not?
- c) Should a person in a civil partnership be permitted to be an ordained minister within the Church? Why/why not?
- d) Should a person in a same-sex relationship be permitted to have a leadership role within the Church? Why/why not?
- e) Should a person in a civil partnership be permitted to have a leadership role within the Church? Why/why not?

4. The Unity of the Church of Scotland

- a) 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? If not, how would you describe where you stand on the issue?

- (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'. ['Heretical' here denotes a view that contradicts the essence of the Christian Gospel and thus the substance of the faith as it is expressed in the creeds and confessions of the one worldwide church.]
- (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 such 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'.

- b) Would you consider it obligatory to leave the Church of Scotland under any of the following conditions:
 - (i) if the General Assembly were to allow people in committed same-sex relationships to be ordained as ministers?

- (ii) if the General Assembly were to allow people in committed same-sex relationships to have other leadership roles within the Church?
 - (iii) 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?
- c) 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?

5. Are there any additional points you wish to raise which the preceding questions have not addressed?

APPENDIX 1

The Special Commission's remit

The General Assembly of 2009 gave the Special Commission the following remit:

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

1. 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."

APPENDIX 2

Membership of the Special Commission

Rev John Chalmers, Pastoral Adviser and Associate Secretary (Ministries Support and Development), Ministries Council

Mrs Ruth Innes, Advocate, member of Palmerston Place Church

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

Rev Dr Donald G 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 C 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; a Youth Representative to the General Assembly from Presbytery of Glasgow

Convener - The Hon Lord Hodge (Patrick Hodge), Court of Session Judge, former Procurator of the Church

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

APPENDIX 3

Churches and Organisations from which the Special Commission invited comments to inform our preparation of this consultation paper

Other Churches

Baptist Union of Scotland*
 Bishops' Conference of Scotland*
 Christian Church (Disciples of Christ)
 Church of England
 Church of Ireland
 Church of Sweden
 Congregational Federation*
 Free Church of Scotland*
 Evangelical Church of Westphalia
 The Methodist Church in Great Britain
 Presbyterian Church (USA)
 Presbyterian Church in Ireland
 Presbyterian Church of Aotearoa New Zealand
 Religious Society of Friends
 Scottish Episcopal Church
 The Salvation Army*
 United Church of Canada
 United Free Church of Scotland
 United Reformed Church
 Uniting Church in Australia

Interest Groups

Affirmation Scotland
 Fellowship of Confessing Churches
 Forward Together
 LGBT Youth Scotland*
 One Kirk
 Reformed Churches Caucus of the Lesbian & Gay Christian Movement
 Stonewall Scotland*
 The Crieff Fellowship
 The Iona Community
 True *freedom* Trust

* indicates the bodies from whom we have received no response at the time of going to print.