

# **Covenant Fellowship Scotland**

## **Overture: Act 1 2015 - Ministers and Deacons in Civil Partnerships**

### **Introduction**

In 2015 the General Assembly passed “Act 1 2015 - Ministers and Deacons in Civil Partnerships” affirmed the historic doctrine and practice of the Church of Scotland in relation to sexuality. However, the Act specifically granted right to Kirk Sessions to opt out of that traditional understanding of sexuality during a time of vacancy. This “opting out” would give that congregation the right to call a minister or deacon in a Civil Partnership.

Later in the same General Assembly of 2015, a joint report of the Theological Forum and Legal Questions Committee sought to amend that Act 1 2015 just passed, extending the legislation to include ministers and deacons in Same-Sex-Marriages.

It was argued that the amendment was needed because Scots Law had created the possibility of Same-Sex-Marriage. Presenting the joint report Prof Iain Torrance argued that the amendments were merely about “benefits” and simply tidying up the legislation. It is this set of amendments which forms the Overture for debate at Presbyteries.

To make this point in a simple and homely way, Professor Torrance used an analogy of two couples living next to each other in New Town, Edinburgh. So the analogy said, one couple (in Civil Partnership) has the right to on-street parking. The question is, should their neighbour (in Same-Sex-Marriage) not also then have the same right to on-street parking?

Although this analogy seems to make the point neatly. It is an inaccurate reflection of the issue because it makes a key unstated assumption. Following the flow of the analogy it makes the assumption that “the neighbours” (the couple in Same-Sex-Marriage) actually have a legitimate tenancy agreement - thus the right to live there. It is only once the legitimacy of the tenancy agreement has been confirmed that any benefits (like on-street parking) could be granted.

### Pointers For Debate

1. The Church of Scotland has never accepted that marriage can be entered into by two people of the same sex. In the analogy above, a “legitimate tenancy agreement” has never been established and so the matter is not simply about “benefits”.

Put in normal terms, the Church has never established morally or theologically what a Same-Sex-Marriage is. We shall be agreeing to something without knowing what we are agreeing to.

2. The Overture will (de-facto) have the effect of introducing Same-Sex-Marriage into the Church of Scotland without prior biblical or doctrinal agreement that this is theologically acceptable. And, in doing so, will contradict various reports accepted by the General Assembly in recent years (e.g. The Mission and Discipleship Council, on Human Sexuality, GA in 2012,) and recent presentations to the Scottish Government on same sex marriage (e.g. Dec 2012 Legal Questions Committee Convenor submission to Scottish government).

In 2012 the Mission and Discipleship report while arguing for a traditional view of marriage stated succinctly that marriage between two people of the same sex would be a “...*major break with Scripture and church practice through the ages.*” (5/54, 8.2)

**The Overture will not tidy up legislation but create that major break.**

3. The historic and current practice of the Church is that marriage is between one man and one woman. This fundamental biblical belief is reflected in the biblical story, the opening words of Chapter XXIV of the Westminster Confession of Faith (“Marriage is to be between one man and one woman...”) and integral to the liturgy of marriage ceremonies.
4. On occasion when Jesus was drawn to speak on marriage (re: its breakdown, Matthew 19.1-12 and parallels) His comments are based on Genesis 2 – the joining together of the man and woman. Jesus clearly believed that Genesis 2 was foundational for understanding marriage.
5. When, “Act 1, 2015” was debated and passed, it had **limited** scope because it referred only to those engaging in the secular construct of a “Civil Partnership”. The scope and content of the debate would have been necessarily different had “marriage” been part of the discussion.

6. Sexuality and marriage are certainly related but they are not the same. The Assembly debated Act 1, 2015 in the context of sexuality, not in the context of marriage.
7. That the content of this Overture has not been debated and thought through adequately is seen in (at least) three substantial inconsistencies which would immediately follow.
  - a. Ministers and deacons in Same-Sex-Marriage would serve in Christ's Church (The Church of Scotland) which still holds to the view that marriage is between one man and one woman.
  - b. While they themselves were able to marry in a civil ceremony they could not do so in their own denomination because the Church of Scotland has never agreed to the biblical legitimacy of Same-Sex-Marriage.
  - c. While they themselves are able to marry, they cannot solemnise the marriages of other same-sex-couples because the Church of Scotland has never agreed to the biblical legitimacy of Same-Sex-Marriage.

These inconsistencies would arise because the Church has not dealt with this matter adequately.

- i. In fact, Prof Torrance indicated that this matter would have to be addressed in a report to a later Assembly.
  - ii. And, as shown in the Remits Booklet (section 3, page 21, Act 1 2015) in an attempt to safeguard some who may have entered into a Same-Sex-Marriage, the telling words were included about marriage, "until such time as this issue is considered by a future Assembly" (Act 1, 2015 section 3 - page 21 of the Remits Booklet).
8. If this overture passes, the future discussions mentioned above (7.c.ii) will no doubt be prejudiced by what will (de-facto) have become the practice of the Church. The question might legitimately be asked at that later time, why debate that which has already been permitted?
  9. This overture rushes Same-Sex-Marriage into the Church of Scotland before all the facts and implications have been considered.