

Post-Assembly Response from Covenant Fellowship Scotland to the Report of the Theological Forum to the 2017 General Assembly, with particular reference to the Appendix to the Report: 'An Approach to the Theology of Same-sex Marriage (2017)'

[This is intended to aid those who may be asked to discuss the Report at Kirk Session or Presbytery (and should be used in conjunction with the response prepared immediately prior to the Assembly (and any other appropriate sources) also available on the CFS website).]

Introductory Comment

What follows is a response to the terms and main arguments set out in the report, but we would wish to prefix this by stating clearly at the outset that we recognise that there are members and office-bearers within the Church, brothers and sisters in Christ, who are same-sex attracted. We warmly welcome the contribution that they, with all God's variegated people, make to the worship, work and witness of the Body of Christ here on earth, as, together, we seek to serve God and his world, by living out our lives under the Lordship of our Saviour, Jesus Christ, as he is revealed to us in the Scriptures.

General Comments/ Concerns

1. We are concerned about the Forum's remit. This report was, rather unusually, not called for by the General Assembly, but appears to have been volunteered by the Forum itself. Questions need to be asked about the apparent independence of the Theological Forum from the General Assembly and the Councils of the Church.
2. We are concerned that the Forum's membership does not appear to be representative of the theological views present in the Church regarding the present issue and more generally. In particular, it does not appear to be representative of the large body of members and adherents of the Church of Scotland who were opposed to the Overtures concerning Ministers and Deacons in same-sex civil partnerships (2015) and Ministers and Deacons in same-sex marriages (2016). This concern has now been raised at the last two meetings of the General Assembly. We watch with interest to see if a better theological balance emerges in future years. It is essential that the whole Church has confidence in the Theological Forum or it will be unable to serve the Church properly.
3. We are concerned about the unseemly speed with which the Revisionist agenda with regard to the same-sex issue has been thrust upon the Church in recent years, and particularly through this report, without sufficient time for significant theological discussion and reflection to take place both within the academy and the Church.
4. We are concerned about the apparent bias, however subtle, in the report itself. While it tries to give the appearance of standing on central ground, assessing honestly the strengths and weaknesses of the 'Revisionist' and 'Traditionalist' positions, this is far from being the case. In terms of 'authorial (or communicative) intent' this is largely a 'Revisionist' report. This is evident, for example, even in the terminology used in the report. Clearly, the Forum has departed from the terminology agreed over recent years of using 'Traditionalist' and 'Revisionist' to identify the two main, broad 'camps' present in the Church on matters of sexuality. In this report, the word 'Revisionist' appears only once (section 1.3), to be replaced from section 1.4 onwards by the much more appealing 'inclusive', while the 'Traditionalists' remain with this label or the alternative 'conservative.' The bias is also evident in what those holding to the Church's historic, orthodox teaching on marriage can only describe as a 'caricature' of the way they actually handle Scripture (see on sections 1.6-1.10 below).
5. We are concerned and saddened that the Church's embracing of the contents of this report has already led to the further numerical weakening of the Church and its ministry, with the departure of at least a further two of its ministers intimated since the Assembly, as well as the departure of numbers of other office-bearers and members.

Reflection on the Report's Appendix.

1. The Use of Scripture

In the first part of its report, the Forum informs us (**section 1.3**) that: 'Rather than rehearsing and repeating the particular arguments presented' in the six earlier pieces of work done on sex and marriage for the GA in the past decade they have chosen instead to 'summarise the different tendencies of interpretation used by people across the Church.'

One of the problems created by this approach is that the majority of commissioners, present at the GA only every third year at the most, may not have had ready access to the previous reports, or the time to read these on top of the whole contents of the 'Blue Book,' in the time available prior to the GA.

Another significant problem with this approach is that, in the whole report, only a very limited number of Scripture verses are either quoted or referenced, some of the most significant with regard to marriage, including the foundational text, Genesis 2, and the words of Jesus himself in Matthew 19, not even being mentioned at all. This is all-the-more incomprehensible considering the place that is given in the report to 'the living Word ... Jesus Christ the Word made flesh' (**section 1.5** onwards).

In the summary of the different tendencies of interpretation of Scripture, we are told that the 'broadly more inclusive arguments in favour of broadening the Church's understanding of sexual relations to include those among persons of the same sex typically hinge upon two arguments.'

The first of these arguments (identified in **section 1.4** of the report) states that 'Scriptural condemnations of same-sex sexual activity were framed in cultural contexts very different from our own and referred to individual acts rather than to committed and faithful people willing to enshrine their relationships in vows before God.' The argument goes on to say that 'as committed and faithful partnerships between equal persons of the same sex were **largely** unknown in the ancient world, neither St Paul nor any other biblical writer **could** have had such partnerships in mind when they condemned same-sex sexual activity' (my emphases).

Before responding to the particular elements of the report's argument in this section, it should be noted that there is here a recognition, albeit implicit, that Paul and other biblical writers do condemn same-sex sexual activity. What is not stated, however, is that this is in fact the case in **every** instance where same-sex sexual activity is mentioned in the whole of the Bible. It is always condemned. There are no positive references at all to such activity in the whole of Scripture.

With regard to the argument that these Scriptures prohibiting same-sex, sexual activity refer to 'individual acts', there is in fact no indication of this at all in the main texts themselves, nor in the surrounding textual contexts. For example Leviticus 18:22 and 20:13 are unqualified and absolute in their prohibition. Moreover, in the case of Lev 20:13, both partners are equally condemned, which suggests some measure of consensual responsibility.¹ The same is equally true of Romans 1:26f.² It is pure conjecture without any basis in the text or context to say that these refer only to 'individual acts' (or to rape, pederasty, etc). Paul does not differentiate between one type of same-sex sexual activity and another. He simply condemns – as does the rest of Scripture wherever it speaks on this issue - all such activity outright. Consequently, within Israel and the Early Church we would not expect to find - neither do we, in fact, find - any attempt by men or women to take vows of faithful commitment to same-sex partners before the living God, as such would have been regarded as being in flagrant breach of Scripture, and, as such, a mark of unfaithfulness and of a lack of true commitment to their covenant God.

With regard to the 'cultural contexts very different from our own' in which it is claimed these scriptural condemnations were framed, hear, for example, Professor NT Wright of St Andrews University in a 2009 conversation in which, speaking as an ancient historian, he says: 'One thing I do know as an ancient historian is that there is nothing in contemporary understanding and experience of homosexual condition and behaviour that was unknown in the first century. The idea that in the first century it was all about masters having odd relationships with slaves or older men with younger men – yeah, sure that happened – but read Plato's *Symposium*. They have permanent, faithful, stable, male-male partnerships, life-long stuff.'³ Professor Wright's reference here is to the loving relationship that Achilles and Patroclus are portrayed as having in the Phaedrus dialogue in the *Symposium*. Wright goes on to say: 'Paul in Corinth will not have been unaware in a world where private life only is for the very rich and the very aristocratic - everyone else does what they do very much in public - Paul will have known the full range of stuff so that the idea that, "O well, in the first century they didn't know, we now with our scientific knowledge ...", that's a little bit of Enlightenment arrogance again actually...' In addition to Plato's *Symposium*, one could also cite Plutarch's reference to 'The Sacred Band of Thebes',⁴ while further examples of lifelong, consensual love affairs,

¹ Preston Sprinkle, 'Same-Sex Relations' in *Dictionary of Daily Life in Biblical and Post-Biblical Antiquity*, eds E.M. Yamauchi & M R Wilson, (Peabody, MS: Hendrickson, 2017) 1463.

² Preston Sprinkle, 'Same-Sex Relations', 1465.

³ See <https://www.youtube.com/watch?v=YpQHGPGejKs>, published on 11/3/2009 [accessed 17/10/2017]

⁴ P Sprinkle, 'Same-Sex Relations,' 1469-1472.

among women as well as among men, in both Greek and Roman society can be found. See, e.g., Preston Sprinkle's article on 'Same-Sex Relations' (footnote 1 above).

The inclusion of the word 'largely' in section 1.4 of the report indicates that the Forum is aware that there are, in fact, examples of such committed and faithful relationships in the world of the NT. In the light of the evidence cited above, for the report to go on to claim that 'neither St Paul nor any other biblical writer ... **could** (my emphasis) have had such partnerships in mind when they condemned same-sex activity' is a statement that goes well beyond the evidence. Such a well-educated and well-travelled individual as Paul is as likely as any educated person of his time to have been aware of the whole gamut of sexual activities engaged in by members of the society of which he was a part.

In **section 1.5** of the report, the second of the 'broadly more inclusive arguments' is stated as resting 'on a distinction between the text of Scripture and the living Word of God, the latter being associated with Jesus Christ who speaks to us in our hearts and consciences.' The report adds that '[a]ccording to this argument, we owe our allegiance to Jesus Christ the Word made flesh rather than adherence to the literal words of Scripture, and, for that reason, if people believe that Jesus is now calling the Church to a new understanding of how faithfulness may be displayed in human relationships, this should be taken seriously as a contemporary form of obedience.'

In response, it should be said that it is indeed appropriate for the report to distinguish between the written text of Scripture and the living Word, Jesus Christ, for they are not identical. However, while the living Word and the written words are not identical, they cannot be dissociated the one from the other in the way implied in this argument. There is a direct and dynamic connection between the living Word and the written word, so that the Word of God, incarnate in Jesus Christ, cannot be understood or known apart from the written word of Scripture. As Karl Barth has written, the 'Word ought to be exposed in the words.'⁵ The report, therefore, presents us with a false dichotomy when it appears to drive a wedge between 'allegiance to Jesus Christ' and 'adherence to the ... words of Scripture.' In keeping with the direct and dynamic connection between the living Word and the written word, 'allegiance to Jesus Christ' and 'adherence to the ... words of Scripture' go hand in hand. We cannot really know the living Word, Jesus Christ, apart from the revelation of him, and witness to him, given in the written word of Scripture. It is, therefore, difficult, if not impossible, to envisage a scenario where the living Word would encourage the rejection of the written word. This formulation, rather, tends to suggest a process whereby a subjective construct of the living Word is elevated above Scripture and this without reference to Scripture.

All of this, of course, is in keeping with the Church's own historical and present legal position as set out clearly both in the first of the Articles Declaratory of the Church, in which 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 (my emphasis),' and also in its subordinate standard, the *Westminster Confession of Faith*, which affirms that: 'Under the name of Holy Scripture, or the Word of God written, are now contained all the books of the Old and New Testaments ... All which are given by inspiration of God, to be the rule of faith and life.'⁶ Ever since the Reformation, the Reformed churches, including the Church of Scotland, have always held that Scripture is the final authority for all decision-making in the life of the Church.

In addition to seeming to drive a wedge between the living Word, Jesus Christ, and the written words of Scripture, the report goes on to state (in section 1.5) that Jesus Christ 'speaks to us in our hearts and consciences.' There is no doubt that such is true, though the way in which he does speak is through the **written word** being applied to our hearts and consciences by the Holy Spirit. Once again our subordinate standard, the *Westminster Confession*, witnesses to this truth when it states that 'our full persuasion and assurance of the infallible truth, and divine authority' of the 'holy scripture' 'is from the inward working of the Holy Spirit, bearing witness **by and with the word** [i.e., of Scripture] in our hearts.'⁷ This, however, is not how the argument presented in the report at this point appears to understand Jesus' speaking to us 'in our hearts and consciences.' Rather, it seems to view this 'speaking' as something distinct from the 'written word of Scripture' applied to our hearts by the Holy Spirit. As such this 'speaking' would appear to be some new, fresh or additional revelation not already attested in the Scriptures, and, indeed, on the issue of same-sex sexual activity, actually diametrically opposed to the 'plain sense' of all the Scripture passages that touch on this issue. Thus the argument presented here speaks of people who come to 'believe that Jesus is

⁵ K. Barth, *Romans* (Trans. E.C. Hoskyns; New York: OUP, 6th edn, 1968), 8.

⁶ *Westminster Confession of Faith*, Chapter 1, Section II.

⁷ *WCF*, Chapter 1, Section V.

now calling the Church to a new understanding of how faithfulness may be displayed in human relationships' and who argue that those who respond to such a call [to committed, faithful, same-sex sexual relationships] 'should be taken seriously as a contemporary form of obedience.'

But, once again, our subordinate standard, the *Westminster Confession of Faith*, comes to our aid at this point when, following Scripture's own teaching, it makes clear that 'unto [Scripture] nothing at any time is to be added, whether by new revelations of the Spirit, or traditions of men;⁸ and again when it states that, 'The supreme Judge, by which all controversies of religion are to be determined, and all decrees of councils, opinions of ancient writers, **doctrines of men, and private spirits** (my emphasis), are to be examined, and in whose sentence we are to rest, can be no other but the Holy Spirit speaking in the scripture.'⁹

Without our subordinate standard which is intended to assist us in the correct interpretation of Scripture, what is to stop any group of people in the Church from arguing that God is saying something new (despite it contradicting Scripture or even the words of Jesus himself recorded for us in Scripture) and claiming that Jesus has spoken this message 'in their hearts and consciences'?

In **section 1.6** of the report the Forum moves on to give attention to the 'more conservative arguments against any broadening of the Church's views on sexual relations to include those among persons of the same sex.' These arguments, it avers, 'rest on a different set of interpretive rules. For them, once it is ascertained that the biblical writers intended to condemn same-sex acts, the only appropriate response for the Church to make is to declare such activity to be contrary to God's intentions for humanity, and thus prohibit same-sex marriage.' At a basic level, this may be regarded as a reasonably fair representation of more conservative arguments, at least to the extent that these arguments tend to pay closer attention to the actual words of Scripture and to regard them as normative for Christian life, though, in reality, the case is very much more nuanced than this summary suggests. One might, for example, understand from reading the opening chapters of Leviticus that it is important for God's people to offer animal sacrifices, whereas later parts of the OT itself (e.g., Psalm 51:16f; Hosea 6:6) seem to give priority to other forms of 'sacrifice,' while, post-Calvary and post-Pentecost, the later parts of the NT make it completely clear that such animal sacrifice is no longer required of Christians (e.g., Hebrews 10:18). Much depends on where the Scriptural text is situated in terms of the unfolding of progressive revelation and of redemptive history.

In **section 1.7**, the Forum argues that 'while the styles of interpretation' used by the Revisionists and Traditionalists 'are different in many respects' nevertheless 'they share an acknowledgement of the authority of Scripture and the authority of Jesus Christ as King and Head of the Church.' While that may well be the case, the level of authority that these two groups ascribe particularly to Scripture varies considerably. For the Traditionalist interpreter Scripture has complete authority, as does the Jesus who reveals himself to us through the Scriptures. For such, Jesus and Scripture have equal authority because the words of Scripture are regarded as the written word of God, which has equal authority with the God who has spoken that word. For the Revisionist interpreter, however, the authority of Scripture would appear to be considerably subordinate to that of Jesus Christ who, it would appear, is free to reveal himself in ways even contrary to the revelation of himself already given in Scripture.

In this section it is claimed that 'more conservative readers tend to focus on the *words* of Scripture' while 'more inclusive readers tend sometimes to look *through* rather than *at* the words of the text.' Again, in general terms, that may be a reasonable understanding of the difference between the two positions, particularly with regard to the significant place given by Traditionalists to the actual words of Scripture. For them, the words of Scripture are normative rather than negotiable.

However, once again (as this section of the report itself recognises) the truth is rather more nuanced than the wording of section 1.7 suggests. To some extent it may also depend on what is meant by 'look[ing] *through* ... the words of the text.' If this is a reference to the activity of giving attention to the world 'behind the text' (mentioned later in section 1.10), i.e., the world and life-context to which the author belonged, then that is as likely to be something that Traditionalist scholar-pastors do (and, therefore, encourage their congregations to do), while at the same time focusing on the normative nature of the message of Scripture.

In **section 1.8**, we are told that 'For those adopting a more conservative perspective the authority of Scripture rests in obeying the *words of its text* ... We abide by the authority of Jesus Christ speaking in

⁸ WCF, Chapter 1, Section VI.

⁹ WCF, Chapter 1, Section X.

Scripture by correctly ascertaining what Scripture's words meant in their original context, before conforming our doctrine and practice to them.' We can agree with this assessment at least to the extent that it highlights once again the normative role that Scripture still plays in the life of the Traditionalist reader, though we would wish to resist any suggestion that educated Traditionalists are crass literalists simply concerned with words on the page or fixated only with the ancient meaning of the text. When the report adds that 'It is not our duty to ascertain *why* God ... issued these commands, but only to ascertain the meaning of those commands and act upon them,' we would have to say that, while that may be the view taken by some Traditionalists, particularly of an unthinking, fundamentalist persuasion, that is certainly not the kind of robust, evangelical and/ or orthodox scholarship that we have been accustomed to in our Scottish universities for some generations now, under the tutelage of such masters as the late Professors James S Stewart and I Howard Marshall, to say nothing of their present-day successors, who would certainly wish to encourage us to give an account of the wisdom and intention of divine commands.

In **section 1.9** the Forum states that 'what distinguishes [those who adopt a more inclusive perspective] from more conservative readers ... is their belief that **Scripture's meaning is somewhat wider than particular words themselves** (my emphasis).' What seems to be a further explanation of what is intended by this 'wider' meaning is then given: 'In order to understand a biblical command, we must not only understand the meaning of the words in their original context, but also understand the many ways in which Scripture tells us a developing story in which believing Gentiles were also invited to join the People of God.' The implication seems to be that more conservative readers do not take account of this 'developing story in which believing Gentiles were also invited to join the People of God.' Once again, can this really be argued of those educated under the evangelical and/ or orthodox scholarship available over many decades now in our Scottish universities, and for whom the facts of 'progressive revelation' and the progressive nature of redemptive history (even within the OT, let alone between OT and NT, and within the NT) have long been essential elements of their basic understanding of the story of salvation presented in the grand narrative of Scripture?

Towards the end of this section, attention is drawn to a statement of Paul to the effect that 'in Christ we are neither Jew nor Greek, neither male nor female, neither slave nor free.' This is actually a paraphrase of part of Galatians 3:28, which reads: 'There is neither Jew nor Greek, there is neither slave nor free, there is neither male nor female [or, better, 'there is not male and female'] for you are all one in Christ Jesus.'

It is not immediately clear what the purpose of this reference is at this point in the Forum's argument, although, in the context of the present debate, presumably it has to do with the statement that there is 'neither male nor female' – not, by the way, a significant element in the argument of Galatians. However, we need to be aware that the particular respect in which there is 'neither male nor female' is actually explained in the final clause of the verse 'for you are all one in Christ Jesus.' It is because of our oneness in Christ, the fact that we are part of the 'one new man' (cf. Eph 2:15), that there is 'neither male nor female' (also, 'neither Jew nor Gentile ... neither slave nor free').

It is quite clear from the rest of Galatians and from his other letters that Paul is not saying in Galatians 3:28 that the created differences between men and women have been abolished altogether now that we are in Christ, any more than he is saying that ethnic identities have been dissolved completely, or that social status is no longer of any relevance at all. We see, for example, in the previous chapter (Gal 2:15) how Paul identifies the apostle Peter as a 'Jew', and how, in Philippians 3:5, he self-identifies as 'a Hebrew of the Hebrews,' while his letter to Philemon makes the point that social status has not been eradicated, and his teaching in 1 Corinthians 7 makes a similar point with respect to maleness and femaleness in what it has to teach about marriage.

In the context of the present report, one of whose conclusions is [section 3 (c)] that 'The Forum does not believe there are sufficient theological grounds to deny nominated individual ministers and deacons the authority to preside at same-sex marriages,' the meaning that the Forum has given to, or somehow found in, or derived from, the Scriptures which condemn same-sex marriage is, to say the least, 'somewhat wider than particular words themselves'! It is, in fact, the polar opposite of what the 'plain sense' of the words of Scripture themselves always express when they speak on this issue. In this case, the meaning of the word 'somewhat' as used here in the report must approximate to the sense 'infinitely'!

In **section 1.10**, the Forum highlights what it regards as another difference between Traditionalist and Revisionist habits of reading Scripture, when it suggests that for 'many' conservatives 'there might appear to be something illegitimate in looking 'behind the text,' as that 'might seem to relativise [the commands of

Scripture], and empty them of authority.’ Once again, while that may be true of some Traditionalists, particularly of an unthinking, fundamentalist persuasion, it is certainly not the case with regard to the kind of robust, evangelical and/ or orthodox scholarship referred to above, that a significant proportion of our ministers will have encountered in the Scottish universities. Such evangelical and/ or orthodox scholarship studies not only ‘the world of the text’, but also the ‘world behind the text’ and, indeed, also the ‘world in front of the text,’ every bit as much as does more Revisionist scholarship. One major difference is that, generally speaking, those of a more evangelical or orthodox persuasion tend to regard the actual text of Scripture as more normative for the Church today than do those of a Revisionist position.

In our comments above on sections 1.6-1.10 of the report, we have had occasion to highlight again and again that the Traditionalist position presented in these sections, while perhaps describing the position taken by certain unthinking fundamentalists in the world Church, does not anywhere near adequately describe the situation in the Church of Scotland, with the store it has always placed on a well-educated ministry. Unfortunately, this could very easily give the impression that this is in fact how Traditionalists in the Church of Scotland generally read the Bible, in which case what is presented here is but a caricature.

In contrast to the description of ‘many’ conservatives in the opening part of section 1.10, the report goes on to describe ‘those who read Scripture with a different set of expectations.’ Though we are not told what that ‘different set of expectations’ is, we are informed that ‘this’ – presumably a reference to ‘looking “behind the text”’ - ‘is a way of applying the words of Jesus today and of following his example of reaching out to those who have felt excluded by the scriptural certainties of others.’ That suggests that in the process of ‘looking behind the text’ something about the wider historical, cultural, social context ‘behind the text’ is found that indicates to these interpreters that, in the case of each of the texts of Scripture that deal with the issue of same-sex sexual relationships, the words of Scripture should not be applied in their ‘plain sense’ to our present context. However, as we have seen above (in particular, our comments on section 1.4), no clear evidence of this kind has yet emerged to legitimise this move.

In addition, there seems to be an implication here that ‘the words of Jesus’ somehow negate the clear words of various OT and NT Scriptures regarding same-sex sexual relationships. Unfortunately, no references to particular ‘words of Jesus’ are given to shed light on what is intended, and, the fact is that, though Jesus in his earthly ministry said nothing specifically about same-sex relationships, his teaching on marriage itself (e.g., Matt 19:4-12) highlights his orthodox embracing of the Torah’s teaching at this point, which is not surprising for one who said (Matt 5:17): ‘Do not think that I have come to abolish the Law and the Prophets; I have not come to abolish them but to fulfil them.’

Reference is also made in this section to ‘following [Jesus’] example of reaching out to those who have felt excluded by the scriptural certainties of others.’ Once again, no specific excerpts from Jesus’ teaching are detailed. Instead, there is just a general reference to ‘the example of Jesus ... reaching out to those who have felt excluded by the scriptural certainties of others.’ Now, there is no doubt that Jesus did – as he still does – reach out to ‘those who have felt excluded’, and excluded perhaps even ‘by the scriptural certainties of others’, most notably the scribes and the Pharisees, the ‘bible people’ of that time. And it is true that those of us who place great store on the normative significance of Scripture for the Church today, as for every age, must always search our hearts to see if the way of the Pharisee is found in us. However, in the Gospels, whenever we see Jesus reaching out to the ‘excluded,’ he does not do so without also the demand for repentance (Matt 4:17), or that those reached leave their life of sin (John 5:14; 8:11); and, of course, for all who would come after Jesus there was – and still is – the demand that they ‘deny self and take up [their] cross and follow him’ (Mk 8:34).

Section 1.11 argues for ‘a wise and faithful reading of the Bible,’ and suggests that for that we require not only readings aligned to the ‘strict’ text, but also those aligned to the ‘context.’ As argued above on more than one occasion, no evangelical or orthodox pastor trained in the Scottish context should deny that. However, what this first part of the report fails to do is provide any evidence whatsoever that the contexts in which the Scriptural prohibitions against same-sex sexual activity are made give any support to the report’s ultimate conclusion which broadens the ‘plain sense’ of Scripture to such an infinite degree that it can now mean, apparently, the polar opposite of what its ‘plain sense’ only ever prohibits.

As Prof NT Wright of the University of St Andrews states: ‘No change of act in God’s drama with the world (despite manifold changes in human culture) has occurred between the time of the apostles and evangelists and our own time ... We recognize ourselves as the direct successors of the churches of Corinth, Ephesus, and the rest, and we need to pay attention to what was said to them as though it was

said to us. We cannot relativise the epistles by pointing out the length of time that has passed between them and us, or by suggesting any intervening seismic cultural shifts which would render them irrelevant or even misleading. It is an essential part of authentic Christian discipleship ... to recognise that [the New Testament] cannot be supplanted or supplemented ... That is what it means for the church to live under the authority of scripture – or rather, as I have stressed all along, under God’s authority mediated through the scripture.’¹⁰

In **section 1.12**, the Forum turns briefly to consider ways other than Scripture through which God communicates with us, e.g., the ‘whirlwind’ and the ‘stars,’ all of which is, of course, in keeping with Scripture’s own testimony (e.g., Psalm 19:1-4 and Romans 1:20). However, as the opening words of the *Westminster Confession of Faith*’s chapter on ‘Holy Scripture’ indicate, ‘Although the light of nature, and the works of creation and providence, do so far manifest the goodness, wisdom, and power of God, as to leave men inexcusable; yet they are not sufficient to give that knowledge of God, and of his will, which is necessary unto salvation...’ Hence, making ‘the holy scripture to be most necessary.’¹¹

It is with the final sentence of this section, that we sense this part of the report on ‘The Use of Scripture’ comes closest to indicating for us that it is not in fact ‘the world of the text’ itself (what is actually written in Scripture and how it is written), nor the ‘world behind the text’ (the original contexts in which Scripture’s various parts were produced), but rather what scholars call ‘the world in front of the text’ (in this case, contemporary life as experienced both by Christians who choose, or may wish to choose, to live in sexually-active, same-sex relationships, whether civil partnerships or marriage, and others who, while not making that same decision for themselves, nevertheless wish to support such in their choice) which appears to be the controlling factor in the Forum’s interpretation of Scripture, when it says that: ‘there are times when God speaks to us through the cries of God’s people who long for inclusion and dignity.’

Something similar is conveyed also through the wording of the final sentence of **section 1.13** which states that: ‘The differences between us rest on how these Scriptures are to be heard today.’ That, indeed, is the crux of the matter. Do we hear the Scriptures as the original authors intended them to be heard, as normative for the life of Israel, the covenant people of God, and normative for the Church of Jesus Christ throughout the whole world and all generations of time, or do we hear them in such a way that our own perspective and contextual situation become the starting point of interpretation and we ourselves become the author, or even ‘god,’ of the text, controlling its interpretation, and seeing in the Scripture our own reflection mirrored in the text?

The question of whether we truly ‘hear’ the word of the Lord, and how we hear that word, has always been at the heart of human relationships with God and one of the factors that affects whether or not we thrive in our covenant relationship with our Lord and Saviour (see, e.g., Gen 3:17; Gen 22:18; 26:5; Deut 28; 1 Sam 3:10; Is 50:4; 55:3; Phil 2:8ff; etc).

In **Part 2**, the Report turns to consider three extra-biblical types of argument: (A) ‘arguments based on understandings of human rights’; (B) ‘analogical arguments which try to build outwards from traditional understandings of marriage’; and (C) ‘fully theological arguments for the admissibility of same-sex marriage.’ We consider each of these in turn.

2.2 (A) Human Rights Arguments

In terms of the ‘column inches’ assigned to this argument in the report, and also the three lines of text used by the Convener in introducing this argument at the General Assembly, this would appear to be the least significant of the three types of argument presented in this part of the report. Moreover, within these columns very little, if any, argument is put forward specifically in support of same-sex marriage.

In **sections 2.2.1 – 2.2.4** we are given a brief history of the ‘granting and claiming’ of rights in general from Roman Private Law through Constantine’s Edict of Milan, to the Magna Carta and Enlightenment accounts of human rights based in theories of a social contract. Specific mention is made of some of the ‘natural, unalienable and sacred rights’ enumerated in the French Declaration of the Rights of Man and Citizen

¹⁰ NT Wright, *Scripture and the Authority of God* (rev. ed.) (London: SPCK, 2013)

¹¹ WCF, Chapter 1, Section 1.

(1791), including 'liberty, property, security, resistance to oppression and "the freedom to do anything which injures no one else."

But the point is also made that the 'elaboration of such rights was not unchallenged.' This was so at the time of the French Revolution (2.2.4), but more space is given in the report (**sections 2.2.5 and 2.2.6**) to the highlighting of contemporary challenges from within the Christian community, particularly those of the American moral theologian Stanley Hauerwas and the Roman Catholic legal scholar Helen Avare.

Hauerwas's argument (**section 2.2.5**) is that 'genuinely Christian ethics have to be eschatological – that is, they have to do with the new reality brought in by Jesus Christ.' There is no specific indication of how this eschatological emphasis or approach impacts on the discussion of same-sex marriage, simply an indication that the eschatological emphasis will be picked up again in section 2.4 (C), with reference to Professor Song's work. What the report fails to mention at all, here or elsewhere, is that Professor Song's work, which is so central to the argument of Part 2 (C) of the report, is in fact critical of the kind of human rights' argument put forward here (see further below).

In **section 2.2.6** Helen Avare argues that "coercing Catholics to facilitate opposing practices is tantamount to coercing them to abandon their own religion and to practice another." This reference is welcome in that it highlights one of the concerns of those holding the Traditionalist position, that they may be forced eventually to practise something that they are opposed to, or, that they may feel constrained to withdraw from ministry for fear of being criminalised for their stand for the Traditionalist understanding of Scripture with regard to same-sex sexual activity.

In the closing section (**section 2.2.7**) of this part of the report, while expressing appreciation of the 'vitality of the tradition of human rights and the shield it has provided to the defenceless' the point is made that, due to the challenges raised by Christian scholars of different theological traditions, the report has not been solely based on that perspective.

We are told that 'this tradition provides one layer of an argument.' Yet, no argument has been presented in this section! Nowhere in this part of the report is there any indication of the specific human rights that have been argued for here, or how these relate to what Scripture has to say, but presumably, in the wider context of the report, what is being argued for is that same-sex attracted Christian people, including ministers of the gospel, have the right to marry their chosen, same-sex partner and/ or that the way is open for them and others to officiate at same-sex marriages.

In the closing part of section 2.2.7 reference is made to the way in which the human rights argument makes us 'much more aware of discrimination and our failure to treat each other even-handedly.' It is not clear if this is simply intended as a general observation on human rights or whether it is specifically related to the question of same-sex marriage.

It is only in the very last sentence of this section of the report that there is any specific reference to matters that might relate to the issue of same-sex marriage. The statement is made that: 'We recognise that as a Church we have often failed to recognise and protect the identity and Christian vocation of gay people and believe that the Church as a whole should acknowledge its faults.'

Wherever the Church or an individual Christian has been at fault on this or any other issue, it is of course appropriate that these faults be acknowledged and confessed both before God, that an apology be extended to those affected and that there be a turning from these faults in repentance.

However, this 'failure' is stated without any evidence whatsoever being provided to support the truth of this claim. Equally, the report fails to provide any reason for the General Assembly to accept point 4 of the proposed Deliverance which invites the Church 'to take stock of its history of discrimination at different levels and in different ways against gay people and to apologise individually and corporately and seek to do better'.

Also, even if one does accept that the claim is true and that the Church needs to acknowledge its past failures in its treatment of gay people, as Martin B Davie has pointed out, 'it does not follow that the proper response to this is an acceptance of same-sex marriage. This only follows if it is in fact the case that being able to marry someone of the same sex is a necessary corollary of recognizing and protecting the identity

of gay people and enabling them to fulfil their Christian vocation. Once again the report does not explain why we should believe that this is the case.¹²

In this whole section of the report no reference at all is made to the role of Scripture vis-à-vis the argument from human rights and only one passing reference is made to the place of Jesus Christ.

2.3 (B) Analogical Arguments

This would appear to be regarded by the Forum as a more significant argument than that based on human rights in that approximately 6.5 columns (38%) of the report are given over to it. This was also reflected in the time given to this part of the report by the Convener as he introduced the report at the General Assembly.

In this part of the report particular attention is given to Professor Jean Porter's 2010 paper "The Natural Law and Innovative Forms of Marriage: A Reconsideration,"¹³ in which she 'reflect[s] on the implications of a natural law account of marriage for the gay marriage controversy.' In this, she takes as her 'starting point the concept of the natural law developed by scholastic jurists and theologians in the twelfth and thirteenth centuries (80).' She then develops and applies that to contemporary society, arguing that it 'does not rule out gay marriage but on the contrary gives us reason to support the legal recognition of such unions (81).'

Much of the whole of this part of the report is taken up with reviewing the way the understanding of marriage has changed across the centuries and millennia, with a particular focus being placed on the changes in understanding that happened around the time of the scholastics and beyond. The initial purpose of much of this review and discussion seems to be summed up in the statement that 'It is simply not the case that a single account of "marriage" has been unchanged and constant throughout Christian history' (**section 2.3.7**). With this general statement we can certainly agree, though we cannot agree with the implication that is later drawn from it, that this leaves the way open for us to regard same-sex marriage as one strand within a contemporary plural account of marriage.

The problem with the logic here lies in the fact, highlighted, for example, by John Witte Jr.¹⁴ that, while throughout 2000 years of Christian history there have been some elements of marriage that have not been constant (e.g., the role, if any, of clergy in marriage), there have in fact been other elements that have been perfectly constant and unchanging across all the centuries and millennia of time and also across the world, the most obvious being that marriage has always involved the union of male and female. In **section 2.3.16** the Forum does at least recognize that 'faced with a variety of practices ... the scholastic writers argued that the 'ideal form' of marriage was of 'a permanent union between one man and one woman.' At this point in her paper Porter makes the further point that 'these norms have scriptural warrant, of course' – referring to the teaching of Genesis 1-2 re-affirmed in the Gospels by Jesus - a fact that is not reflected in the wording of the Forum's report which appears determined to avoid any reference whatsoever to this fundamental, scriptural teaching on marriage. Neither does the report record the further point made by Porter in her paper (81) that: 'Certainly, the scholastics themselves unanimously condemned homosexual acts and probably never entertained the possibility of same-sex marital unions.'

It would appear that the so-called 'analogy' on which the Forum's argument depends breaks down at this point of significant continuity across the whole history of marriage, that it has always, and only, involved the union of male and female.

The report also breaks down in terms of the argument from purpose. The main argument for the possibility of extending marriage to same-sex couples put forward by Porter, and followed by the Forum, has to do with the purpose/s of marriage, yet, according to the scholastics the 'central' purpose was that of reproduction, albeit 'broadly construed to include processes of educating children and placing them in a kinship structure.' They did also recognise that ideally, marriage would also serve other purposes and

¹² Martin B. Davie, 'On not being Convinced – A review of the Report from the Theological Forum of the Church of Scotland', <https://mbarrattdavie.wordpress.com/2017/04/24/on-not-being-convinced-a-review-of-the-report-from-the-theological-forum-of-the-church-of-scotland/>, [date accessed 17/10/2017]

¹³ J Porter, 'The Natural law and Innovative Forms of Marriage: A Reconsideration', *Journal of the Society of Christian Ethics*, 30, 2 (2010), pp 79-97. Note that page numbers in the text above refer to this article.

¹⁴ J. Witte, Jr, in *From Sacrament to Contract. Marriage, Religion and Law in the Western Tradition* (Grand Rapids: Eerdmans, 1997)

'reflect a wider set of values and ideals' (85). Amongst these additional purposes Porter lists: the satisfaction of sexual desires; the fostering of greater holiness; and the expression of love.

Both Porter and the Forum go on to argue that while same-sex marriage cannot fulfil the central purpose of reproduction, as long as it fulfils other purposes and values of marriage it should be considered as legitimate. This case is further pursued with the point being made (**section 2.3.23**) that "marriage" is already extended to heterosexual couples who know that they cannot have children' - although it has to be said that it is still only a very small number of couples who actually *know* the day of their marriage that they cannot have children. [And have we not come across various couples who, at one stage of their lives, were given news of their inability to reproduce, only to have the point proved otherwise – sometimes to their great surprise - in their later experience?]

In the next section (**2.3.24**) it is argued that 'Just as it would be unjust to deny use of the term "marriage" to people past child-bearing, so it can seem unjust to deny the term "marriage" to same-sex couples who intend to fulfil most of the range of "marriage's" purposes.'

The problem with this argument is that it fails to take into account the point made by Sherif Girgis, Robert George and Ryan Anderson in their 2011 paper 'What is marriage?'¹⁵ In this paper, they point out that marriage as traditionally understood in line with the teaching of Genesis 1 and 2 is a form of relationship that can encompass infertile couples, but cannot encompass couples of the same sex.

They begin their argument by noting that marriage is a uniquely comprehensive form of relationship involving a 'sharing of lives and resources, and a union of minds and wills ... But on the conjugal view, it also includes organic bodily union ... because the body is a real part of the person.' This being the case, they go on to argue that 'any union of two people that did not involve organic bodily union would not be comprehensive ... they must ... unite organically—that is, in the bodily dimension of their being.'¹⁶ But such organic union, they argue, can only be achieved if two bodies unite for a common biological purpose and the only candidate that fits the bill is coitus oriented to sexual reproduction: '...In coitus, but not in other forms of sexual contact, a man and a woman's bodies coordinate by way of their sexual organs for the common biological purpose of reproduction. They perform the first step of the complex reproductive process.'¹⁷

They go on to argue that such organic union can be achieved in sexual acts between men and women that do not lead to conception. However, they cannot be achieved in sexual acts between two people of the same sex: 'organic bodily unity is achieved when a man and woman coordinate to perform an act of the kind that causes conception ... whether or not conception results and even when conception is not sought. But', they argue, 'two men or two women cannot achieve organic bodily union since there is no bodily good or function toward which their bodies can coordinate, reproduction being the only candidate.' In terms of the language used in the book of Genesis the two cannot become 'one flesh' (Genesis 2:24).

2.4 (C) Theological arguments with particular reference to the work of Professor Robert Song

We turn now to the third type of argument used in this second part of the Forum's report. Once again this is a substantial argument going by the 4.5 columns (25%) of the report given over to it. It is also, apparently, the most significant of the arguments set forth in the report, being described within the report itself as 'the more thoroughgoing theological argument,' (2.4.2) and regarded as containing 'the most perceptive theological move in the literature to date' (2.4.5). This impression was confirmed by the time given to the presentation of this part of the report by the Convener at the General Assembly.

This section of the report relies heavily on the work of Professor Robert Song in his recent book *Covenant and Calling: Towards a Theology of Same-Sex Relationships* (SCM Press, London 2014). In introducing the report to the General Assembly, the Convener said that: though 'there is a lot of stuff out there in the literature, claiming to be a theology of same-sex marriage, actually most of it is about justice or some analogy or another. We chose to lift up the approach taken by Professor Song of Durham University because his approach is different, because it actually resonates with the profound change we as a church

¹⁵ S Girgis, R P George and R T Anderson, 'What is marriage?' *The Harvard Journal of Law and Public Policy*, Vol 34, No 1, Winter 2011. I am indebted to Martin B Davie for making me aware of this paper on his blog (see footnote 12 above).

¹⁶ Girgis et al, 'What is Marriage?' p.253

¹⁷ Ibid, p 254

underwent over the ordination of women. And because it is fundamentally very simple and flows from Christology.’ However, later in the General Assembly debate, in response to a question, the Convener indicated that the report was not wholly dependent on Song’s book, though that book had been the catalyst for some new thinking. In particular, in his presentation of the report at the General Assembly the Convener emphasized the Christological focus of the Forum’s argument over against the eschatological emphasis presented by Professor Song.

Comments on the Forum’s Use of Song’s Book

1. It seems rather incongruous that such a high profile be given in the Forum’s report to Professor Song’s work for two main reasons:
 - a) In the report, Song’s work is set alongside other arguments whose methodology Song himself has ‘tried **not** to follow’ (my emphasis) and, indeed, has ‘sought to avoid’ because of major inadequacies he finds in their arguments. These arguments which Song avoids are, generally-speaking, the three main arguments used by Revisionists and they include the ‘Human Rights Arguments’ found in section 2.2. of the Forum’s report, as well as some sections of 2.3. The Forum’s report makes no reference to this significant clash of methodologies.
 - b) What Song is arguing for in his book is specifically NOT same-sex **marriage**, but something significantly different, which he designates as ‘covenant partnership’ – the clue is in the title to Song’s book. Indeed, in chapter 5 of his book, Song highlights the main problems he sees with thinking of ‘covenant partnership simply as marriage.’ These include (p 88): (i) the fact that it would lend itself too easily to the denial of the significance of sexual difference, with consequences ... for our understanding of ourselves ... but also ... of sexual relations: sex would easily become whatever we choose to make it mean, and (ii) the Church’s witness on marriage might find itself yielding to secular trends.’ How can the Forum justify using a book that champions ‘covenant partnership’ – which the author goes out of his way to argue is something significantly different from marriage – to back a proposal for same-sex marriage? As Song states quite clearly (p 26): ‘**marriage** understood as a creation good **is not possible** for same-sex couples’ (my emphasis). To be fair, the Convener did indicate on the floor of the General Assembly that in private conversation with Prof Song just prior to the GA Song had suggested that his argument might be applied to same-sex marriage. The problem is that no other commissioners had access to this information prior to the Assembly nor access to the detail of how Song’s argument might have moved on from what is actually argued clearly in his book. This is really quite inadequate for serious academic, theological debate. Indeed, debate cannot be engaged in, as we do not yet have the argument available to us in print!
2. This leads to the further point that Song’s book is fairly recent in academic terms, having been published only in 2014. Very few ministers in the Church will have known it was being studied closely by the Forum. Significant time – not just months, but years - is needed to reflect on the whole of Song’s book and on the universal and ecumenical scholarly response to it. Section 2.2.7 of this report from the Theological Forum itself acknowledges (with reference to the 1990s) that ‘liberal Christians have been mistaken in their views in the past’, views which in time they have modified. This is, of course, the way in which academic theology, in common with most other academic disciplines, operates. It seems highly unusual, therefore – and perhaps even inappropriate? - for a Forum of the General Assembly to base a large part of its argument on such a new piece of work that the academy itself has not had sufficient time to reflect on, engage with, and respond to, let alone the clergy and eldership, or the Church at large. Moreover, the fact that the book as presently published **does not actually contend for** what the Forum’s report uses it to contend for is even more lamentable! It is just as alarming that the traditional doctrine and practice of the Church with regard to marriage, that have lasted for 500 years and were last affirmed resoundingly by the 2012 General Assembly, should be swept aside within 5 years, largely on the basis of one piece of work from one scholar – a work that has already been heavily criticised, though also highly praised, by different sections of the academic theological community.

Comments on Specific Sections of this Part of the Report

In **section 2.4.3** the report highlights the significance that Song recognises ‘the coming of Christ holds for the theology of marriage,’ to use Song’s own words (p 8). However, in this (and the following) section of the

report, it looks very much as if the Forum is giving us an example of the way in which Song argues for the impact that the incarnation makes upon 'the way we think about sexuality.' The example employed here - that the Church has gradually come to learn that a woman may represent Christ at the Holy Table at the celebration of the Eucharist - is not, however, one used by Song in his book. Rather, here the Forum is presenting its own Christological twist, or addition, to Song's argument. We will return to this later below (under sections 2.4.16-2.4.18).

In **section 2.4.5** the report focuses on what is presented as a significant biblical passage for Song's argument, Luke 20:34-6, but especially v 35 where Jesus said, "Those who belong to this age marry and are given in marriage; but those who are considered worthy of a place in that age and in the resurrection from the dead neither marry nor are given in marriage. Indeed, they cannot die anymore, because they are like angels and are children of God, being children of the resurrection.'

The parallel synoptic passages at Matthew 22:30 and Mark 12:25 also include the exact same words (in Greek) in the present tense 'they neither marry nor are given in marriage', but the contexts there make it very clear that what is being referred to is a **future** eschatological time 'in the resurrection' (Matthew), 'when the dead rise' (Mark). The question here is whether Luke has exactly the same timeframe in mind, as, e.g., the NIV suggests by rendering the phrase into English using the future tense. This would also be in keeping with what drew this response from Jesus in the first place, the Sadducees' question about the eschatological resurrection (cf Lk 20:27-33).

However, it may very well be that Luke is in fact presenting the nuanced position that with the resurrection of Jesus, the NT Church is now living in the reality of a partially-realised eschatology, in the 'now and not yet' of the coming Kingdom of God. And he may well be saying that in this new reality there is a new vocation to which some are called and with which some are gifted. Paul certainly develops this strand of teaching in 1 Corinthians 7. Discussing these matters, Song is at his best biblically and theologically. By the end of his opening chapter Song has clearly established that with the coming of Christ, and particularly with his resurrection, the tension created by the coming of Christ and the breaking in of the Kingdom of God is resolved in the notion of vocation or calling (1 Cor 7): some are called to, and gifted with, celibacy; others continue to be called to, and gifted with, marriage.

This fact of the new vocation and gift of celibacy, inaugurated through the coming of Jesus, is regarded by Song as important with respect to the first of the three creation 'goods' - procreation, faithfulness and permanence - that the Church in general has recognised at least from the time of Augustine, based largely on the teaching of Genesis 1-2, supplemented by the use of the metaphor of marriage to describe the covenant relationship between God and Israel in the OT (Hos 1-3; Jer 2-3), and between Christ and his Church in the NT (Eph 5:25-27). With the coming of Jesus, and the new vocation of celibacy, Song argues that the significance of the first of these creation 'goods' - procreation - has changed (p 20), it is no longer seen to be essential.

This point is crucial to the rest of Song's argument and can be found on pp 15-19 of his book, which focuses on the role he believes procreation has in enabling humanity made 'in the image of God' to fulfil what he seems to regard as humanity's main imaging function, that of ruling and subduing the earth (17): 'It is the very concrete orientation of sexual differentiation to procreation that brings out the logic of the passage [Genesis 1:26-28]: being created in a relationship of male and female is what enables humankind to procreate; being able to procreate enables it to fill the earth and subdue it; being able to rule the earth enables it to fulfil its role as bearing the image of God.' Song further argues that 'we can now see how Christ resituates Adam's imaging of God ... The last Adam ... who unlike the first Adam does succeed in having all things placed under his feet, does not do so by procreation.'

A major problem with Song's argument here is that he does not consider how it was that humankind failed to exercise authority over the earth, despite their procreating. We would suggest that a major clue to this failure is given in a statement of Song on p 18 of his book: 'Jesus' mother and brothers are not those to whom he is biologically related, but whoever **hears** the word of God and does it (Luke 8:21; Mk 3:34) [our emphasis].' We would suggest that this identifies obedience to the word of God as a particularly prominent characteristic of those who belong to the family of Christ. This also fits well with the account of beginnings in Genesis 1-3. There are strong exegetical reasons – not least the use of the phrase 'he had a son in his own likeness, in his own image' in Genesis 5:3 – for believing that being 'in the image of God' consists of being in a relationship of son-ship or child-ship to God, which is how Luke understood it (Lk 3:38).

What is required in such a relationship, as the rest of the Scriptures (not least the words of Jesus quoted above) make clear, is obedience to the words of God. Genesis 3 shows clearly that Adam's failure to obey is the point of his/ humanity's failure to 'image' God properly. In stark contrast, Paul teaches us that the last Adam's triumph comes as a result of his obedience (Phil 2:8): 'he became obedient to death – even death on a cross! **Therefore** God exalted him to the highest place and gave him the name that is above every name, that at the name of Jesus every knee should bow, in heaven and on earth and under the earth, and every tongue confess that Jesus Christ is Lord, to the glory of God the Father.'

For the followers of Christ living in the reality of a partially-realised eschatology, surely obedience to the call of Christ on our lives is what is essential? This can include a call to marriage or a call to celibacy. While procreation is certainly affected by the coming of Christ, can we really argue that procreation is now as 'theologically redundant' for Christians as Song does? Is not the (Abrahamic) promise (Gen 12:2 and its many iterations and expansions in Genesis), which itself was a re-affirmation of the creation blessing (Gen 1:28), still for us and our children ... (Acts 2:39)? Is not one of the significant ways in which the Kingdom grows, through the outworking of God's covenant promises to bless not only his people, but their children also, down through the generations?

Interpretation of Luke 20:34-36

One of the difficulties with Song's interpretation of Luke 20:35 is that, although there is some history of its having been interpreted in the way in which Song suggests, particularly in the Early Church, it is not at present an interpretation that is in vogue with NT scholars. Of over 20 commentaries written in the last 70 years that we have been able to scrutinise to date, only one – Bouvon's commentary in the Hermeneia series - mentions this interpretation, and does so without embracing it. The interpretation suggested by Song is not the approach taken, e.g., by the late Professors William Barclay and I. Howard Marshall of Glasgow and Aberdeen Universities respectively in their commentaries on Luke, nor is it the approach taken by Professor NT Wright of St Andrews University in his more recent *Luke for Everyone*. Song's interpretation of Lk 20:35 appears to attribute an over-realised eschatology to the NT.

While we have little doubt that Lk 20:35 does recognize something of the newness that came with the advent of Christ, a newness which is witnessed to by the new calling to celibacy that appears in the NT (1 Cor 7), that calling is seen as **but one of two** callings, alongside the continuing calling to, and gifting for, marriage.

Were Song's interpretation correct that procreation is theologically redundant in the new eschatological reality brought about by the coming of Christ, thus (in his view) opening the door to same-sex relationships, one would have expected to see evidence of this in the earliest days of the Church, just as one sees the evidence of the call to celibacy for those so gifted. However, not the slightest piece of such evidence is found anywhere in the NT. Instead, as we have seen, the OT teaching with respect to same-sex sexual activity of any kind is re-affirmed in the NT.

Song's response to this lack of any such evidence for same-sex, sexual relationships in the NT or the Early Church – or indeed in almost 2000 years of Church history! - is that neither Jesus nor Paul nor the Early Church were able 'to free themselves from the societal pressures that regarded same-sex relations as scandalous!'

Can such an argument really be sustained with regard to the Jesus who broke with so many of the cultural understandings and manifestations of his day, such as the place given to women in society, his contact with tax collectors and sinners, and his understanding of messiah-ship? Or, in the case of Paul, who again and again broke with the Jewish tradition in which he was at one time so firmly entrenched regarding, e.g., circumcision, eating with Gentiles, and Sabbath observance? What evidence is there for holding such a view?

Sections 2.4.6 – 2.4.11. Unless you have read Song's book, you will not be able to appreciate how the Forum's report gets from what is stated in section 2.4.5 to what is said in the following paragraphs. That is because these paragraphs cover, in the main, chapters 2 and 3 of Song's book where he moves beyond what is clear in the NT to a measure of speculation, or to what he, and the Forum, would describe as the 'deeper structure' of the biblical story.

In chapter 2 of his book, Song goes on to ask whether there are other relationships which witness to this new eschatological era to which Christians belong. Here, he introduces the idea of **covenant partnership**, which he defines as 'non-procreative relationships, which share the other two creation 'goods' of

faithfulness and permanence (as well as a different kind of 'fruitfulness' from that to which procreation leads). At this point Song argues (p 37), 'if we are to introduce the category of covenant partnership at all, the fundamental distinction it connotes is not between heterosexual and homosexual relationships but between procreative and non-procreative relationships.' This is reflected in the Forum's report at 2.4.6 where Song's argument at this point is described as 'the most perceptive theological move in the literature to date.' Song regards such covenant partnerships as **a third 'vocation'** (our emphasis) alongside the call to marriage and the call to celibacy.

However, if this third vocation did in fact exist in the Early Church we would have expected to see at least some evidence of it in the NT. But we do not. What is more, Song himself admits frankly (p 23) that the NT 'never envisages any possibility of a third [vocation].'

In chapter 3 of his book, Song then goes on to speculate – or theologise? - as to whether these covenant partnerships can include sexually-active same-sex partners and argues that they can because (i) while sexual differentiation is justified within marriage, that's only because marriage in creation is oriented to procreation; it is not necessary for covenant relationships; (ii) procreation is no longer eschatologically necessary in this eschatological era, so there are no grounds for requiring all committed relationships to be heterosexual; (iii) sex can be good in itself, apart from any role in procreation (e.g., Gen 2; Song of Songs; 1 Cor 7 'conjugal rights'); and (iv) sex can point to the nature of our relationship with God (e.g., the intimacy of communion with our partner can point to that which we can experience with God).

The problem with this is that nowhere in the Bible do we find examples of sexually-active 'covenant partnerships' outside of marriage, or examples of sexually-active same-sex relationships of any kind that are endorsed by Scripture, even in eschatological contexts (cf 1 Cor 6:12ff; Eph 5:5). Song himself accepts this lack of biblical evidence (62): 'whatever it was that the biblical writers were referring to in relation to same-sex sexuality, they took themselves to be opposed to it.'

At this point (chapter 4 of his book), in order that his argument may have any purchase whatsoever, Song requires to make the move from the 'surface meaning of texts,' or, as we might say, their 'plain sense,' to the 'deeper structure of the biblical story' (p 63) – hence the importance for the Forum of broaching this matter in Part 1 of their report. Song, of course, has been seeking to argue this throughout chapters 1-3 of his book, but especially in chapters 2 and 3.

Towards the end of chapter 4 of his book, Song begins to employ the argument that just because Jesus and Paul and the Early Church were unable to free themselves from the societal pressures that regarded same-sex sexual relations as scandalous, that need not mean that we should be bound by such pressures any longer. In support of his argument he points to the way in which, over the centuries, the Church has changed its attitudes to slavery, the role of women in church and marriage, and to the idea of just war as examples of how our thinking can change regarding sexual relationships as well. A significant problem, however, with each of these examples is that there are texts and passages of Scripture that on a 'surface reading,' according to their 'plain sense,' can be understood as at least pointing in the direction of the positions to which the Church has now come. In the case of same-sex sexual relationships there are no such texts or passages. As another reviewer has pointed out, what Song is doing here – and what the Forum is also doing in following him (and others who do likewise) – is 'in effect arguing that [the NT] is theologically and semantically incoherent – that what we read on the surface actually points, not just at right angles, but in the opposite direction to the "deeper structure" of the biblical story.'¹⁸

In **section 2.4.10** the report claims that 'in *creation*, the purpose of male and female was for *pro-creation*. So, within that mind-set, sexual differentiation was for procreation.' With procreation no longer regarded by both Song and the Forum as 'essential for the growth of the Kingdom' the possibility of non-procreative unions is opened up, and what is in mind in particular as the argument develops is non-procreative, same-sex, sexually-active unions.

One of the main problems with this is that it does not take account of the creation narrative in Genesis 2, where no reference whatsoever is made to the role of procreation. Instead there is a strong emphasis on the creation of a (specifically) woman/ female 'helper right opposite' for the man to alleviate his aloneness and to transform a 'not good' situation to a 'good' one (Gen 2:18). Sexual differentiation is from the very beginning part of the fabric of the other creation 'goods' of faithfulness and permanence as the 'man' cleaves to his 'woman' (Genesis 2:24) and they become one flesh. This is picked up in the *Westminster*

¹⁸ Ian Paul, <https://www.psephizo.com/sexuality-2/covenant-and-calling-a-review-part-ii/> [accessed 19 Oct 2017]

Confession of Faith, which, in its listing of the purposes for which marriage has been ordained, gives priority to ‘the mutual help of husband and wife’ over ‘the increase of mankind with a legitimate issue, and of the Church with an holy seed.’¹⁹

The Forum’s ‘Christological’ Take

Above, when considering elements of **sections 2.4.3 and 2.4.4** of the report, we noted that the example used at that point in the report is not one that Song expands upon. Rather, it is used by the Forum to present its own Christological twist, or addition, to Song’s argument, and we noted that, in his presentation to the GA, the Convener did indicate that the Forum had added a Christological argument to the eschatological one presented in Song’s book.

In using this example, the Forum’s argument goes like this: From the fact that our Church now accepts that a woman can represent the man Jesus at the Holy Table and say the words of the Eucharistic Prayer over the bread and wine, the conclusion is drawn that ‘sexual difference is not as theologically all determining as we may have thought.’ The report returns to this type of argument in **sections 2.4.16-2.4.18**, where it notes the charge ‘progressives’ have at times made against Traditionalists, accusing them of inconsistency in their handling of Scripture ‘in allowing women to be elders and ministers since you set aside the advice of St Paul’ - presumably, while at the same time insisting that Paul’s teaching on same-sex, sexual activity is not set aside.

One major problem with this argument is that it is difficult to see how this case relates to the question of same-sex marriage. Wherein lies the analogy? This example has nothing to do with marriage and nothing to do with sexual relationships, straight or gay. At the most, it is about sexual difference, but certainly not about sexual orientation. The only point of contact between the two scenarios seems to be that a woman can represent a man. Perhaps, the logic behind the inclusion of this ‘example’ is that a woman can ‘represent,’ in the sense of ‘take the place of’ the ‘man’ in a traditional marriage?

The report also notes (**section 2.4.17**) that the ‘normal response’ to this accusation from Traditionalists is that ‘there are “seeds” in Scripture which allow for a fuller leadership by women, but that there are no “seeds” in Scripture which show hospitality to gay people.’ The report then goes on to suggest (**section 2.4.18**) that Robert Song’s recent work may, perhaps, show that ‘some “seeds” are discernible.’

While it is true that the position which prevailed for centuries in the Church of Scotland was that women should not be in positions of leadership, not least because of Paul’s teaching (e.g., in 1 Cor 14:34, 1 Tim 2:12, etc), the Scriptures themselves, both OT and NT, have recorded without any embarrassment the leadership roles of at least a small band of women across the centuries of the life of God’s covenant people. From the OT, one can think of the judge and prophetess, Deborah (Judges 4:4), and the prophetesses, Miriam (Ex 15:20), Huldah (2 Kings 22:14) and (possibly) Isaiah’s wife (Isaiah 8:3), while the NT regards Anna (Luke 2:36ff) and the four daughters of Philip (Acts 21:9) as prophetesses. In addition, Paul himself was not backward in expressing appreciation of the work of a significant number of women whom he describes as his ‘fellow-workers’ (Rom 16:1, 3, 7, 12; Phil 4:3; etc) and who are variously said to have ‘worked hard in the Lord’ or to have ‘contended at [his] side in the cause of the gospel.’ The metaphors of hard toil and of battle used in such passages need to be taken seriously.

Moreover, in recent decades, more careful attention to detailed exegesis has taught us that women were among the ‘brothers’ addressed by Paul in letters such as that to the Philippians (compare Phil 1:1 ‘to all the saints’ with Phil 1:12 ‘brothers’ and the direct address to Euodia and Syntyche in Phil 4:2), which has led to a greater sensitivity to the need to use more inclusive language in our Bible translations.

What’s more, the evidence pointing to the fact that Junia (Rom 16:7) was a female apostle is now generally regarded by commentators on Romans as ‘overwhelming’, and, in the light of these and other advances in knowledge, many evangelical scholars have become more aware of the possible cultural contexts which may account for Paul’s teaching in 1 Corinthians 11 and 1 Timothy 2.

While there are some Traditionalists who are not persuaded by such arguments, nevertheless other Traditionalists have indeed changed their position with respect to women in eldership and ministry, because they now acknowledge that there are much more than just ‘seeds’ in Scripture which allow for a fuller leadership role for women. There are clear examples in both OT and NT. With respect to same-sex marriage, however, the case is still very different. There are no examples at all, anywhere in Scripture, and

¹⁹ WCF, Chapter XXIV, Section II.

nothing that even vaguely looks like a 'seed' that might develop in that direction. Everything points in the opposite direction.

The Problem of Basing Decisions of General Assembly on New and Untested Interpretations of Scripture

In section 3 (a) of the report, the Forum tells us that 'theological reflection has moved on in the last 5 years since the 2012 report 'Believing in Marriage.' And, in measure, that is true – but only in very, very limited measure – **one scholar**, Professor Song, has written **one relatively modest book**, *Covenant & Calling: Towards a Theology of Same-Sex Relationships*, published in 2014. This is not a typically academic book, as Song himself admits (p 100); and, as he states himself very clearly in the opening page of his book, his modest 'aim is to make a contribution to the [Church's] conversations' on 'matters of sexuality.' As we have seen above, Professor Song himself does not argue for same-sex **marriage** in this book. As its title indicates, what he argues for are same-sex 'covenant relationships' for which Song himself finds no evidence in all the pages of Scripture, and, as we have highlighted above, these relationships are significantly different from marriage. To quote Song again: 'marriage understood as a creation good is not possible for same-sex couples.'

This is **the one and only piece** of post-2012 academic literature given any significant role in the Forum's report. In this book, on which section 2.4 (C) of the Forum's report is heavily dependent, Professor Song presents a new and interesting line of investigation. But, that is all that it is at present. It is a brand new hypothesis; one that still has to be tested by a universal and ecumenical guild of theological scholars; and that process has scarcely begun as yet. Certainly, we not aware that Professor Song has published any responses to the significant questions that scholars have already raised about his work. The academic debates have scarcely begun over this book's contents, yet our Theological Forum has not only embraced some of its ideas, but, surely unwisely, actually used it to argue for much more than the book argues for. Is this really the way the Church's theology should be done? Is this really the way major decisions that change the centuries-old doctrine and practice of the Church should be made? Surely not.

Conclusion

The Theological Forum has put forward a report which seeks to justify the Church permitting designated ministers and deacons to conduct same-sex 'marriages'. Unfortunately, the Forum has not engaged with the relevant Scriptures, has to some extent caricatured the 'Traditionalist' position and has not produced a cohesive argument for its proposal, rather attempting to bring together various strands that are sometimes totally contradictory the one to the other. Moreover, it has based its core theological case on a single piece of writing of one scholar whose work does not even argue for what this report is advocating, and provides no solid foundation upon which to abandon the long-held, orthodox position of the Church, which it holds with the vast majority of Christians worldwide and which is ably expressed in the Church's *Confession of Faith* (based on Genesis 2:24) : 'Marriage is between one man and one woman'.

It is deeply regrettable that the General Assembly embraced this report with its deliverances. We cannot but call the Church to repentance on this issue.

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