

Marriage after divorce and the ordained ministry

I attach a statement from the House of Bishops clarifying the implications of marriage after divorce for eligibility for ordained ministry, including the episcopate.

The statement has been produced in the light of consideration that the House has been giving to these issues over some time. By way of background, copies of the legal analysis produced for the House and of a reflection on relevant theological issues by Professor Oliver O'Donovan are now available on the Church of England website at:

<http://www.cofe.anglican.org/about/gensynod/houseofbishops/divorcelegal.rtf> and

<http://www.cofe.anglican.org/about/gensynod/houseofbishops/divorcetheol.rtf>.

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Secretary General
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MARRIAGE AFTER DIVORCE AND THE ORDAINED MINISTRY: A STATEMENT FROM THE HOUSE OF BISHOPS

1. In a teaching document (*Marriage*- issued in 1999¹) the House of Bishops affirmed that “Marriage is a pattern that God has given in creation, deeply rooted in social instincts, through which a man and a woman may learn love together over the course of their lives.” In an introduction the then archbishops noted that “Lifelong marriage itself represents an unchanging ideal, and one which is the bedrock of a rapidly changing society.”
2. In the teaching document the House went on to explore the Church of England’s approach to the pastoral and other issues that arise when, sadly, marriages break down. It noted that, “The scope of God’s holiness is the scope of his mercy, and the more we are ready to open ourselves to the demand, the more we will know of his generosity, forgiving us where we have failed and granting us success where we thought we were bound to fail.”
3. Those called to serve the Church in holy orders are expected to be an example of godly living to those among whom they minister. Before people are selected for training with a view to ordination they are required to give information and assurances about their personal lives and, where relevant, marital history.
4. The Church of England has not for some time treated marriage following divorce while the previous spouse is still alive (or marriage to someone whose spouse from a previous marriage is still alive) as an insuperable impediment to ordination. In 1990 Synod and Parliament approved legislation that made it possible for those in this situation to be ordained deacon or priest in the Church of England, notwithstanding the general prohibition in Canon C 4.
5. In each case dispensation is subject to the issue of a faculty by the Archbishop of the Province on application by the relevant diocesan bishop. The Archbishops’ guidelines in relation to applications for faculties under Canon C 4.3 were last amended in 2004. They stress that ‘great care must be taken ... when exceptions are made to the general rule in Canon C 4.3 to ensure that the Christian ideal itself is not obscured’.
6. Issues which bishops are expected to explore in each case include distance in time, relationship and place from the previous marriage, the absence of circumstances that might give rise to scandal, the fulfilment of all obligations to a former spouse and family and the stability of the current marriage. Applications are not normally entertained when the current marriage is less than three years old.
7. The high level of marital breakdown in society and, as the number of people entering non-stipendiary ministry has grown, the steady increase in the average age of ordinands (now around 45) have led to a significant number of faculties being issued each year.

¹ For full text see
<http://www.cofe.anglican.org/info/socialpublic/marriagefamily/marriageanddivorce/marriage/marriage.pdf>

8. Over the most recent five years for which figures are available (2005-2009) the number of faculties granted has averaged around 80 per year. That is around 12% of those attending Bishops' Advisory Panels in these years (the proportion of those with faculties recommended for training is not available).
9. It was already the case before 1990 that those who, following ordination, married again after divorce and whose previous spouse was still alive (or who married someone whose spouse from a previous marriage was still alive) were not required, for that reason alone, to step down from office. That continues to be the position where the relevant conduct of the priest or deacon has not given cause for concern.
10. The fact that someone has been admitted to holy orders following the grant of a faculty under Canon C 4, or has been able to continue in active ministry following further marriage after divorce or marriage to someone with a former spouse still alive, does not mean that their marital history is irrelevant when it comes to considering their suitability for a particular appointment.
11. The Church of England's teaching is that it can be said of two living people that they were married and are no longer married. Nevertheless, the Church of England recognizes the sincerely held convictions of those who do not believe this because, on theological grounds, they hold that marriage is indissoluble. It also respects the convictions of those who, while not holding an indissolubilist view, believe that further marriage after divorce is not an option for those in ordained ministry.
12. Those with responsibility for making appointments – including bishops, patrons and parish representatives – are, therefore, entitled to reach a judgement on whether the fact that the candidate or their spouse is in a second marriage and has a previous spouse still alive would be an obstacle to effective ministry in that situation given the strongly held religious convictions of a significant number of those to whom they would be ministering.
13. There is no corresponding provision to Canon C 4 in relation to episcopal orders and there has previously been some lack of clarity over the eligibility for episcopal office of those who have married again and whose current and former spouses are still alive or who are married to someone whose spouse from a former marriage is still alive. The House is advised that there is no legal prohibition to the consecration to the episcopate or appointment to episcopal office of such persons.
14. Episcopal appointments are a matter for the Crown and, over recent years, have reflected submission by the Church of suitable names. This responsibility rests with the Crown Nominations Commission in the case of appointments to diocesan sees and the relevant diocesan bishop, with the concurrence of the archbishop of the province, in the case of suffragan sees.
15. Before anyone is considered for appointment as a bishop the Archbishops' Appointments Secretary assembles relevant information about them, including

references from their diocesan bishop and others. Because Canon C 4 does not apply, there has been no prescribed mechanism, in relation to those being considered for episcopal appointment, for exploring the relevant circumstances where someone has married again following divorce or is married to someone who has a former spouse still living.

16. The House has now agreed that, where a diocesan bishop recommends someone for the preferment list as a potential diocesan or suffragan bishop who has divorced and married again and has a former spouse still living, or who is married to a someone who is divorced and who has a former spouse still living, he should at that point make similar enquiries to those he would make in preparing an application to the archbishop of the province for a faculty under Canon C 4. Admission to the preferment list will be subject to confirmation by the archbishop that, on the basis of those enquiries, he is satisfied that the marital history does not, in the light of all the circumstances, constitute an obstacle to episcopal appointment.
17. The fact that someone in this situation has been added to the preferment list does not mean that the CNC or the diocesan bishop and those advising him in relation to a suffragan appointment are precluded thereafter from taking the marital history into account when considering his suitability for a particular office. As noted above in relation to parochial appointments, those with the relevant responsibility are entitled to reach a judgement on whether marital history might prove an obstacle given the strongly held religious convictions of a significant number of those to whom the person would be ministering.
18. Bishops are required to be a focus for unity and a diocesan bishop is the chief pastor of all that are within his diocese. Those selected for diocesan or suffragan roles are expected to be an example to the people of God. Marital history is one of many considerations which may properly be taken into account in discerning whom God is calling to such office in His Church.

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