

## GENERAL SYNOD

**Living in Love, Faith, and Reconciliation****Summary**

This paper outlines ten draft commitments through which the whole Church can continue to pursue the implementation of the motions previously passed by Synod on Living in Love and Faith. I am offering these commitments personally as co-lead bishop for Living in Love and Faith in the hope that they will begin the process for finding a settlement. They have been informed by conversations with my fellow bishops, the chair and vice-chair of the House of Laity, and Prolocutors of the House of Clergy and various stakeholder groups. More details will be needed in each area, and the precise wording will need to be negotiated, but their brevity and realism are intended to help reset the debate and steer this work during the present quinquennium.

Undergirding all of this is a commitment to a process that seeks to carefully listen- even where we disagree - to the many voices, holding a variety of positions, in the Church of England and the Anglican Communion, including those of LGBTQI+ and GMH people.

This paper builds on the substantive work that has gone before, and the sense of direction this has set. However, it also acknowledges that there remains profound disagreement. Proceeding to implement what has been decided on a narrow majority, in a manner that fails to reconcile the depth of the disagreement, risks much. Instead, what is called for in these commitments is a renewed space of reconciliation and a rebuilding of trust. These are not intended to be a set of words for approval, but a basis on which we can continue to pursue the implementation of motions previously passed on Living and Love and Faith.

I have included in the annexes to this paper information on some of the key legal issues, as advised by the Church's Legal Office. Other lawyers might offer different advice on some points, which could only ultimately be determined by the courts. But we include here the best professional advice we have. These also illustrate that implementation of the areas of work around the commendation and authorisation of the Prayers of Love and Faith is not straightforward.

Annex A provides a summary of the differing Canonical routes that have been requested to be explored as a means of introducing PLF in Standalone Services. It summarises the processes these require and an assessment of primary advantages and disadvantages.

Annex B outlines considerations around removing restrictions for clergy to enter into same-sex civil marriages. It summarises background information previously discussed in the LLF process and highlights additional work that has already been called for to support discussions and decisions in the House of Bishops on this, and related, matters.

Annex C summarises the workstreams in the next phase of implementation of LLF. This overview illustrates the inter-connected and interdependent nature of this work that the Commitments invite continued action to pursue. An updated indicative timetable is included.

The choice for Synod is whether it wants to proceed on this basis of reconciliation, or whether it wants to proceed by the majority on each discrete issue. In line with Anglican tradition, these commitments seek the former as a route to steer this work during the present quinquennium.

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**Living in Love, Faith, and Reconciliation**

***We are the body of Christ. In the one Spirit we were all baptised into one body. Let us then pursue all that makes for peace and builds up our common life. (Common Worship)***

At a time of great disunity in our nation and world, how do we, as the body of Christ, remain focused on our calling to serve the nation and our local communities?

In the USA, a recent study published in *The New York Times* found that approximately 42% of both Republicans and Democrats viewed members of the opposing party as “evil.”<sup>1</sup> The same study found that 20% from each party said the opposition “lack the traits to be considered fully human.” Considering this, two local politicians in Seattle – one a Republican and one a Democrat – have begun a programme called “Building Bridges” – gathering people together across differences. They write: “Our country doesn’t need a divorce; it needs marital counselling. It occurs to both of us that the vast majority of Americans who don’t find themselves on the political fringes are yearning for national healing.”<sup>2</sup>

The parallels may not be exact, but it is undoubtedly time for a reset of the LLF debate within the Church. We are at a crossroads - either we have reached the point of separation, accepting that our opponents should not be part of the Church – or we must shift the debate to the question of how we live well with difference. We believe firmly in the latter approach, and therefore this paper is a call to bridge building.

The leadership of the Church of England have apologised to LGBTQI+ people for the lack of welcome and pastoral care they have received, and it is time that all churches show this apology in action. Alongside this need for radical Christian inclusion, for many in the Church there is a longing to focus on other questions related to our calling to serve the nation. So the time has come to find a “settlement” which allows people at both ends of the spectrum to continue within the Church of England, and which recognises the yearning of the ‘middle ground’ – the vast majority of people in the Church of England who yearn for LGBTQI+ people to be accepted, loved and valued for who they are, while recognising that the Church of England deliberately takes its time to consider possible changes in significant teaching and doctrines.

We note that the Anglican Communion is going through a similar process to our own in exploring what communion means when there is significant disagreement. As Archbishop Justin said in an address to the Lambeth Conference:

For the large majority of the Anglican Communion the traditional understanding of marriage is something that is understood, accepted and without question, not only by Bishops but their entire Church, and the societies in which they live. For them, to question this teaching is unthinkable, and in many countries would make the church a victim of derision, contempt and even attack. For many churches to change traditional teaching challenges their very existence.

For a minority, we can say almost the same. They have not arrived lightly at their ideas that traditional teaching needs to change. They are not careless about scripture. They

<sup>1</sup> <https://www.nytimes.com/2019/03/13/opinion/hate-politics.html>

<sup>2</sup> <https://www.seattletimes.com/opinion/we-are-proof-that-democrats-and-republicans-can-work-together/>

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do not reject Christ. But they have come to a different view on sexuality after long prayer, deep study, and reflection on understandings of human nature. For them, to question this different teaching is unthinkable, and in many countries is making the church a victim of derision, contempt, and even attack. For these Churches not to change traditional teaching challenges their very existence.

So let us not treat each other lightly or carelessly. We are deeply divided. That will not end soon. We are called by Christ himself both to truth and unity.<sup>3</sup>

And Pope Francis has also commented recently on disagreements within the Roman Catholic Church. He encouraged a pastoral response to LGBTQI+ couples, while not confusing the doctrine of marriage. He asked clergy to respond to those who ask for a blessing and “who beg that all that is true, good, and humanly valid in their lives and their relationships be enriched, healed, and elevated by the presence of the Holy Spirit.”<sup>4</sup>

### **Linking with our Vision to be a Jesus Christ centred and shaped Church**

Our vision includes being a Church of missionary disciples, a mixed ecology Church, and a younger and more diverse Church. All of these include an element of living with difference. In the same way, ever since the Elizabethan settlement, we have been a ‘broad Church’ – one which sees its roots in both the historic Catholic Church and the Reformation. At different times in our history, this settlement has had to be renegotiated as differences have been stretched to near breaking point, and as renewal movements have sprung up and reshaped the balance of the Church. This is an example of what Alastair McIntyre described as “traditions, when vital, embody continuities of conflict.”<sup>5</sup>

There are hazards on both sides of this path. We all know examples of self-professed ‘liberal’ churches that have become illiberal in their exclusion of those with whom they disagree. Similarly, we know examples of self-professed ‘conservative’ churches where there have been developments in doctrine or practice even though they are not acknowledged as such. Our argument therefore is for a renewal of the ‘broad Church’ approach in which the gifts of different traditions are valued, honoured, and exchanged in a healthy way, with attention paid to power differentials and with the needs of the most vulnerable uppermost in our minds. This will include revisiting the ‘Bishops and their Ministry’ report of 2021, and also returning to the question of the role of bishops within the ongoing Governance Review.

### **Towards a settlement**

These ten Commitments are being offered in the hope that they will be a basis for a settlement. More details will be needed in each area before we can fully agree a settlement, but their brevity and realism are intended to help reset the debate. These Commitments were discussed at the College and House of Bishops in January, and, unsurprisingly, everyone found something within them which was uncomfortable. Yet, broadly, the bishops were appreciative of the attempt to reset the debate. So, they are being brought to General Synod in the hope that members will view them, not through the lenses of ‘red lines’ or ‘winning’ or ‘losing’, but through the lenses of ‘living with difference’ and ‘gift exchange’. No Christian group or church is complete in and of itself, we need the gift of ‘the other’ if we are to grow in grace and love.

<sup>3</sup> <https://www.archbishopofcanterbury.org/speaking-writing/speeches/lambeth-call-human-dignity-read-archbishop-justins-remarks>

<sup>4</sup> <https://press.vatican.va/content/salastampa/it/bollettino/pubblico/2023/12/18/0901/01963.html#en>

<sup>5</sup> Alastair McIntyre, *After Virtue*, Bristol Classical Press, 1981

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**(Draft) Ten LLF Commitments for this quinquennium** aimed at 1) cultivating unity as far as possible; 2) enabling as many as possible to stay within the Church of England; 3) equipping the Church's mission to the nation.

1. **Humility and repentance** - we will seek to embody the apology we have already made to LGBTQI+ people. We will call out homophobia and actively challenge it. At the same time, we will devote ourselves to Holy Scripture with an openness to all the Holy Spirit is saying to us through God's word, acknowledging that at times this will be deeply uncomfortable and challenging for us all.
2. **Honesty and transparency** - we will ensure a transparent, honest process for LLF which fully includes the Houses of Laity and Clergy in General Synod and (as far as possible) Diocesan and Deanery Synods, as well as PCCs. We commit to listening to voices which are often absent from our discussions – in particular the voices of LGBTQI+ people, those of children and young people, and GMH people. We will seek the maximum possible level of transparency regarding legal advice given to the House of Bishops (acknowledging the complexities of such advice). We will ensure that LLF does not dominate agendas of the House / College of Bishops or Synod.
3. **Reconciliation** - we will prioritise reconciliation as our primary witness to wider society at this time. We will commit to being a 'learning Church' and to embodying the 'habits' of reconciliation (be curious, be present, reimagine).<sup>6</sup> We will learn from other parts of the Anglican Communion where there have been serious splits (in some cases now deeply regretted). We will seek to appoint an interim "Independent Reviewer" as soon as possible, to monitor the practical outworkings of the bishops' commitment to value and respect different theological understandings, to advise us, and to reassure those concerned about their future place within the Church<sup>7</sup>.
4. **Breadth** - we will recognise the gifts of the different traditions within the Church. We will actively reflect on how these gifts are exchanged such that power is acknowledged and everyone – those who use the PLF and those who don't – are afforded an honoured place within the Church. We will draw fully on the LLF Resources and the expertise of FAOC (allowing them time to do their work well). We will do everything we can to ensure that no-one feels pushed out of Church. We will seek a commitment to avoid using the civil courts to settle our disputes.
5. **Freedom of conscience** - we will ensure freedom of conscience in relation to PLF for all clergy and lay ministers. We acknowledge the complexities within this – society is not always tolerant of differences and therefore clergy and lay ministers will come under pressure from within and outside the Church. We will ask all bishops to commit to supporting all clergy and lay ministers whether they use the PLF or not.
6. **Prayers** - we are committed to the experimental use of standalone services of PLF, with legal protection and support for those who opt-in to using them as well as those who don't. This includes completing the Pastoral Guidance and Pastoral Reassurance work before enabling the use of the standalone PLF.

<sup>6</sup> <https://difference.rln.global/the-course/>

<sup>7</sup> A pastoral letter from the bishops of the Church of England, February 2023: "We respect and share these differences, maintaining that within the theological diversity we represent, everyone has a secure and respected place within the Church of England. It is from this diversity that we, your bishops, reaffirm our commitment to serve and care for the flock of Christ."

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7. **Same-sex marriage** - we will not begin any discussions about same-sex marriage in this quinquennium, and we make no commitments beyond this quinquennium. Rather we will learn from the use of the PLF and allow General Synod to decide when and if to begin any discussions about SSM.
8. **Ministry** – we commit to exploring the process for clergy and lay ministers to enter same-sex civil marriages. We recognise that not all bishops would be content to ordain or licence such ministers, and bishops must be allowed freedom of conscience in relation to LLF in the same way as clergy (point 5). This inevitably means that there may be different approaches across dioceses until such time as changes to Canons are considered (acknowledging a change of doctrine). In this scenario, bishops would need to commit to being transparent with candidates for ministry about their own personal approach and commit to exploring alternative national approaches for candidates who they, in conscience, could not sponsor. Bishops would also need to agree to resist attempts to use disciplinary processes to force deviation from these commitments.
9. **Episcopacy** - we will explore an approach to episcopacy which enables us to live well with difference and provides pastoral reassurance to all across the spectrum of views on LLF. We are committed to learning from the ‘1994 settlement’ and the ‘2014 settlement’, where (in the latter case) it was only the pain of the 2012 crisis that forced more serious cooperation across divides. We seek this cooperation now, and therefore we commit to exploring the minimum formal structural changes necessary to enable as many as possible to stay within the Church of England.
10. **Communion and unity**– we commit to seeking the highest possible degree of communion between ourselves, other Provinces of the Anglican Communion, and our ecumenical partners. As we seek a settlement within the Church of England, we will explore the idea of ‘degrees of unity’, recognising that there are ways of staying in relationship and working together even where there are fundamental disagreements.

We appeal to the General Synod, for the sake of the peace and unity of God’s Church and our witness to the world, to support these commitments and allow them to steer our work during the present quinquennium. Before the end of this quinquennium, the commitments will be reviewed, with the possibility of new commitments for the next period.

***We are the body of Christ. In the one Spirit we were all baptised into one body. Let us then pursue all that makes for peace and builds up our common life.***

+ Martyn Leicester  
Co-Lead Bishop for LLF

## Outline of routes for authorisation of standalone Prayers of Love and Faith

### Introduction

Following the vote at the November group of sessions of General Synod the House of Bishops has spent time considering the pastoral, legal and procedural complexities of enabling standalone services. The bishops have considered a variety of options for this, including the use of an experimental period under Canon B 5A. This paper outlines some of the complexities and considerations with using Canon B 5A and its relationship with the process for approval under Canon B 2. It incorporates advice provided by the Legal Office over the last eight months in relation to the various routes for the authorisation or approval of standalone services.

An assessment, detailing the advantages and disadvantages of each possible route, appears in the table on pages 12 and 13.

### Trial/ experimental authorisation

This section sets out the issues and questions that arise from trial or experimental authorisation of standalone services on their own terms. Subsequent sections deal with the issues and questions that arise from moving from experimental authorisation to permanent authorisation.

### Canon B 5A

In November, General Synod voted in favour of an amendment to the LLF motion tabled by the Bishop of Oxford in the following terms - ‘and ask the House to consider whether some standalone services for same-sex couples could be made available for use, possibly on a trial basis, on the timescale envisaged by the motion passed by the Synod in February 2023’. This has been taken to be a reference to the procedure in Canon B 5A.

Canon B 5A provides for the archbishops, after consultation with the House of Bishops, to authorise a form of service “for experimental use for a period specified by them on such terms and in such places or parishes as they may designate”.

The term “form of service” when used in the Canons includes any matter to be used as part of a service and is not restricted in its meaning to entire services (see Canon B 1.3). It can therefore include prayers that are intended to be used within other, previously authorised, services such as Holy Communion or a Service of the Word.

The form of service must be one which has been “prepared with a view to its submission to the General Synod for approval by the Synod under Canon B 2”. The purpose of the experimental period is intended to inform the subsequent consideration of the form of service which is proposed for approval under Canon B 2.

Any form of service approved by the General Synod must “be such as in the opinion of the General Synod is neither contrary to, nor indicative of any departure from, the doctrine of the Church of England in any essential matter” (Canon B 2.1). Therefore, a form of service authorised for experimental use under Canon B 5A must be one which the archbishops, having consulted the House of Bishops, consider meets that requirement even though this condition is not set out in Canon B 5A itself.

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The period for which a form of service is authorised for experimental use must be specified by the archbishops when the authorisation is given.

### Considerations and questions

There are a number of considerations with following a B 5A route.

The first consideration is the pastoral implications of enabling standalone services for a period of time but then removing that permission as the B 2 process starts, and for the duration of the B 2 approval process (which might be up to two years). Were the vote to not pass, the standalone services could not be used. In what position would this leave those couples who have taken part in a standalone service, or who have planned for one which can no longer happen? What would be the impact on those ministers who had used the standalone services?

The second consideration is that Canon B 5A has not before been used to introduce new rites to the worship of the Church in the manner that is proposed by the PLF standalone services. As this would be a new (and, for some, controversial) use of the Canon there remains a considerable risk of legal challenge in the courts.

These concerns do not prevent the House of Bishops from exploring this option. However, these concerns should form part of the consideration on which routes for authorisation are pursued.

### Subsequent authorisation

This section deals with how, assuming that an experimental period under Canon B 5A was judged to be appropriate, the process relates to the subsequent approval under Canon B 2.

Canon B 5A is intended to provide a means by which proposed forms of service can be trialled in good faith, providing sufficient but not excessive time for genuine engagement and feedback. During the experimental period, feedback would be gathered from those using the standalone services. This feedback would then inform the Liturgical Commission's and House of Bishops' consideration of the text which is subsequently submitted to the General Synod under Canon B 2.

The question arises whether each process must be run separately or to what extent they can be carried out together.

### Canon B 5A process, in parallel with a B 2 process

Running a Canon B 5A process requires a specified period of experimental use, so it would not be lawful to start both a B 5A and a B 2 process at the same time.

### Canon B 5A process, overlapping with a B 2 process

Overlapping the B 5A and B 2 processes would allow for a period of experimentation, which would be started slightly in advance of starting a B 2 process, and then run concurrently with the Synodical approval process.

It could be argued that it would be legitimate to operate the experimental period at the same time as the text had been submitted to the Synod under Canon B 2 on the basis that feedback would continue to be collected from where the form of service was being used experimentally and continue to be fed into the Synod's process of consideration. This, however, comes with a number of risks. A decision might be taken, in the light of the

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feedback received, not to proceed with submitting the form of service to the General Synod. Alternatively, the form of service that was submitted to the Synod for its approval might differ from the experimental form, having been amended to take account of the feedback received by that stage. There is no power under the Canons to rescind an authorisation under Canon B 5A and, as such, the form of service that had been authorised for experimental use would remain in use until the end of the period that had been originally specified. That might be considered to be highly anomalous. Likewise, the forms of service could be significantly amended during its consideration by Synod under Canon B 2, which could result in an unsatisfactory situation of the experimental form continuing in use despite a formal decision of the Synod that part, or parts of it, should not be in use. In the past, experimental uses under Canon B 5A have all come to an end before the House of Bishops has settled the final text for First Consideration by the General Synod, having amended or refined it in the light of the feedback received from those who have used it experimentally. **There is a medium to high risk that conducting an overlapping Canon B 5A and a Canon B 2 process would be successfully challenged in the courts.**

There are also important theological and liturgical questions that arise given that the experimental period would not have concluded either before or possibly even during the Synodical approval process.

Consequently, the disadvantages of running the B 5A and B 2 processes together are that the legal risks are much higher and that this is a novel and contestable use of the Canons which could result in different versions of the standalone services being in use at the same time.

The advantages of this route however are that the standalone services would be available quickly (in about 6 months' time) for use in those parishes that had been designated by the archbishops, whilst also starting the B 2 approval process sooner.

**The advice from the Legal Office is that, reading Canon B 5A and Canon B 2 together, the better interpretation of the text is that the experimental period under Canon B 5A must come to an end before the form of service is submitted for approval under Canon B 2.**

### **Canon B 5A process, followed by a B 2 process**

This would follow the process outlined above, but the B2 process would not begin until the experimental period had ended. This would enable a clear period of consultation and feedback to allow the standalone services to be refined prior to their submission to Synod. As above, considerations on whether to use the B 5A process at all must be borne in mind.

The advantages and disadvantages are similar to those outlined above, with some additions. An additional advantage is that **the legal risk would be lower because this would be a much more conventional experimental period.** Equally, this route would implement the rationale behind the +Oxford amendment. An additional disadvantage is that **this process would take longer than others.** The exact timeline would depend upon how long the trial period was specified for. There would remain the significant pastoral consequences as outlined above. Notably, once the experimental period specified by the archbishops under Canon B 5A had ended the standalone services could not be used again until such time as they were approved under Canon B 2.



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### Canon B 2 alone

The third option would be to submit the forms of service under Canon B 2 for approval without a prior experimental period under Canon B 5A. While this would provide a clear and unambiguous demonstration of support, or otherwise, for the material, it would also entail a long period before the standalone services could be used (were they to be approved by Synod). It would also mean that there would be no feedback gathered to enable the text to be refined prior to its submission to Synod. This could mean that the synodical processes are more contentious. The legal risks, however, are lower as during the B 2 process the standalone services would not be in use and therefore would unlikely be subject to legal challenge.

### The effect of final approval

Regardless of whether or not an experimental period under B 5A is used, the final approval by Synod of the form of service under Canon B 2 would require a 2/3rds majority in each House of Synod of those present and voting. Should Synod give final approval, this would conclusively determine that the Synod were of the opinion that the form of service was not contrary to, nor indicative of any departure from the doctrine of the Church of England in any essential matter – see [section 4\(2\) Church of England \(Worship and Doctrine\) Measure 1974](#).

### Procedural considerations

#### Canon B 5A

The use of Canon B 5A would enable standalone services of PLF to be used from the date of authorisation until such time as the period specified by the archbishops came to an end. The process involves a number of steps:

- i. The archbishops would formally publish the form of service, specifying the dates when the authorisation for experimental use will begin and end;
- ii. The archbishops would then invite the minister of a parish who holds the cure of souls of a parish and who has the support of the PCC to apply by a specified date several weeks before the start of the experimental period to be designated as a parish where the form of service may be used.
- iii. Before the start of the experimental period the archbishops would issue an instrument in writing designating certain parishes to be places where the form of service can be used. The archbishops could also state that they will consider designating additional parishes who apply during the experimental period.
- iv. During the period of experimental use, the form of service may be used by those parishes that have been designated. Feedback would be gathered to be submitted by a specified date.
- v. At the end of the experimental period the use of the form of service must cease.

The experimental period of use would be expected to be followed by a Canon B2 process, as detailed below.

#### Canon B 2

The B 2 process (whether following use for a trial period or not) involves several steps of liturgical business, outlined here:

- i. The House of Bishops and Liturgical Commission consider the feedback from those who have used the form of service during the experimental period and refine the

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- material. A decision is made to submit the form of service for approval under Canon B 2.
- ii. The appointment by the Appointments Committee of a Steering Committee in charge of the business (which must include at least 3 members of the Liturgical Commission).
  - iii. The introduction of the business by circulating it to members on the instructions of the House of Bishops.
  - iv. First Consideration – a general debate on the business with a motion that the business be considered by a Revision Committee.
  - v. Appointment by the Appointments Committee of a Revision Committee.
  - vi. A report by the House of Bishops on a question of doctrine arising out of the business if called for by the Revision Committee, the House of Bishops or any member of the General Synod with the support of at least 100 other members.
  - vii. A take note debate in the General Synod on the report on the question of doctrine.
  - viii. Revision Committee Stage – members make proposals for amendment which are considered by the Revision Committee.
  - ix. Revision Committee Report – the Revision Committee returns the business to the Synod as amended by it, with a take note debate on the Revision Committee report.
  - x. Optional re-committal to Revision Committee – individual members who take issue with particular provisions can move that the business be referred back to the Revision Committee for further revision of the provisions the member specifies. (The Synod itself cannot make amendments at this stage.) If the Synod votes in favour of one or more motions to refer back, there is a further Revision Committee Stage with a further opportunity for members to submit proposals for amendment to the Revision Committee. The Revision Committee decides whether to make further amendments and returns to the Measure to the Synod as amended by it, with a take note debate on the further report of the Revision Committee.
  - xi. Further Revision – this is revision in full Synod; it takes place only if there has been a re-committal to the Revision Committee (see above). On this stage, the Synod can itself make amendments. (There is no opportunity for the full Synod to amend liturgical business unless there has been a re-committal.)
  - xii. Final Revision – this takes place only if there has been a Further Revision Stage and, on a motion moved by the Steering Committee, two-thirds of the members present and voting in each House vote in favour of there being a Final Revision Stage. A Final Revision Stage is effectively a second revision in full Synod.
  - xiii. Referral to the House of Bishops – once the Synod has completed the above stages (or such of them as apply), liturgical business stands referred to the House of Bishops. The House of Bishops may make (further) amendments to liturgical business as it thinks fit and must return it in the form it has approved for Final Approval by the Synod.
  - xiv. Article 7 references – if a Convocation or the House of Laity require a reference, the business must be referred to all three of those bodies for approval. This happens before the business is returned to the Synod for Final Approval. (Special provisions apply if business is rejected by only one house of one convocation.)

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xv. Final Approval Stage – the business as returned by the House of Bishops is considered by the Synod on the motion that it “be finally approved”. Final Approval of liturgical business requires a majority of two-thirds of the members present and voting in each House. (The Synod has the option of referring the business back for further consideration by the House of Bishops instead of giving final approval.)

It is likely that these steps would take at least two years. There is no requirement for a formal referral to diocesan Synods to vote but some have suggested that this could be a helpful additional stage. That would add additional time.

### Commendation

#### Canon B 5

The original approach suggested in GS 2289 was for the full suite of Prayers of Love and Faith to be made available for individual ministers to use at their own discretion under Canon B 5.2. In this situation, it is the local minister having the cure of souls who elects to use the particular form of service. The House of Bishops might give a view that such forms of service are capable of being used at the discretion of the minister by commending them, but this has no legal effect. It does not amount to authorisation.

There are several risks with this route: firstly, commendation does not definitively determine the question of whether a form of service is lawful. This would leave ministers offering these services open to the possibility of a complaint being brought against them individually under the Ecclesiastical Jurisdiction Measure 1963 or the Clergy Discipline Measure 2003. The pastoral impact of such an occurrence, the distress caused to the couple, the minister and parish, as well as the wider reputational risk must be considered.

There would be no obligation for ministers to discuss the use of the standalone services with their PCC, and, save for that already provided for in the Canons, no restrictions on ministers adapting the forms of service, or creating their own material in preference to using the commended PLF Resource Section or outline orders of service.

**The bishops have listened and take very seriously the concerns around ministers bearing the legal risk of using the PLF. This is why they have been considering alternative routes for authorising the standalone services that enable the greatest legal protection for those clergy who wish to use them.**

### Summary of routes for authorisation/ commendation

**Canon B 2:** liturgical approval by the General Synod, ultimately requiring a 2/3 majority in all three Houses.

**Canon B 5A:** authorisation by the archbishops for a set period of experimental use, usually expected to be followed by a B2 process as above.

**Canon B 4.2:** approved by the archbishops for use in the provinces of Canterbury and York.

**Canon B 4 3:** approved by individual Ordinaries for use in their dioceses.

**Canon B 5:** commendation by the House of Bishops for use by ministers exercising their discretion.

Assessment of routes for PLF standalone services

	<b>Canon B 2</b> [B 2 only, Approval by the General Synod]	<b>Canon B 5A</b> overlapping with B 2 [B 5A and B 2, Trial period starting, then continuing while starting process for approval by the General Synod]	<b>Canon B 5A followed by B 2</b> [B 5A then B 2, Trial period followed by approval by the General Synod]	<b>Canon B 4.3</b> [Approval by the Ordinary]	<b>Canon B 4.2</b> [Approval by the archbishops]	<b>Canon B 5</b>
<b>Process</b>	Start the B 2 legislative process requiring a 2/3 vote by the General Synod without prior experimental use.	The archbishops to authorise the standalone services for a set period of experimentation. While that period is ongoing, the legislative process for B 2 is started.	The archbishops to authorise the standalone services for a set period of experimentation. Once that period has concluded, the legislative process for B 2 is started.	Individual bishops to authorise use of the standalone services, without requiring a period of experimentation or a vote by the General Synod.	The archbishops to authorise use of the standalone services, without requiring a period of experimentation or a vote by the General Synod.	The material would be commended by the House of Bishops for use by ministers exercising their discretion.
<b>Available immediately/ soon</b>	No – there would be no trial/ experimentation period.	Yes, on an opt-in basis where the parish has been designated. Services would likely be available 3 months after the process starts (to allow for opt-in).	Yes, on an opt-in basis where the parish has been designated. Services would likely be available 3 months after the process starts (to allow for opt-in).	Yes, on an opt-in basis in dioceses where authorised by the Ordinary. Services available immediately from authorisation date.	Yes, as soon as the archbishops authorise. Services available immediately from authorisation date.	Yes, as soon as the material was commended. Services available immediately from the commended date.
<b>Final approval timeline</b>	Feb 2027 at the earliest, longer with consultation of Diocesan Synods.	Depends on length of trial period.	Depends on the length of trial period.	This would not require Synodical final approval as not using B 2.	This would not require Synodical final approval as not using B 2.	This would not require Synodical final approval as not using B 2.

<b>Advantages</b>	Clear Synodical process. Lower legal risk.	Available quickly. Upholds the +Oxford amendment.	Available quickly. Lower legal risk than B5A overlapping with B2	Available quickly.	Available quickly. Legal risk would be focused on archbishops.	Available quickly. Upholds Synodical vote.
<b>Disadvantages</b>	Possibly unlikely to pass with a 2/3 majority, without an agreed settlement.	Pastoral consequences if B 2 failed. Contestable use of the Canons. Raises legal questions. Medium to high risk of successful legal challenge	Pastoral consequences if B 2 failed. Long time period. Still considerable risk of successful legal challenge	No national consistency. Would expose Ordinaries to legal risk.	High likelihood of legal challenge.	High likelihood of legal challenge being brought against individual ministers.

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## Annex B

**Outline of considerations around removing restrictions for clergy to enter into same-sex marriages****Introduction**

Questions about Holy Matrimony and the role of ordained ministers have formed a key part of the LLF process and our Anglican traditions. At the same time, a changing social context together with greater understanding of the lived reality of LGBTQ+ lives and identities, have prompted conversations about how our human diversity may be reflected in the lives of faithful Christians, in light of Scripture and tradition. (Part 2 of the LLF book explores this in detail, [LLF Book: Pt2 Chapter 5: Paying attention \(churchofengland.org\)](https://www.churchofengland.org/llf-book-pt2-chapter-5-paying-attention)).

While parts 1 and 2 of the Pastoral Guidance, dealing with Guidance on the use of the Prayers of Love and Faith, and Church life in local contexts respectively, were made available in December 2023 to support the use of the commended PLF material, part 3, Ministry, has not yet been finalised. This section of the Guidance will aim to set out the expectations for ministers within the Church of England with respect to the questions explored by Living in Love and Faith, including whether ministers are able to enter into same-sex civil marriage without an expectation of celibacy. When we refer to clergy entering into same-sex civil marriage, by extension these considerations also impact on ordinands, or potential ordinands, who are already in civil same-sex marriages.

Following a vote in February 2023, the General Synod have welcomed the decision of the House of Bishops to replace “*Issues in Human Sexuality*” with new pastoral guidance. There is a strong desire among the bishops, as there is among Synod members and the wider church, for this to be implemented swiftly. The bishops are conscious of the pain and damage caused by the use of *Issues*. The complexities around removing restrictions on clergy entering same-sex civil marriages are such that issuing part 3 of the Guidance has not happened as swiftly as some hoped or expected, and this has caused pain and anger.

The Commitments paper is clear on committing to exploring how to remove the restrictions on clergy entering into same-sex civil marriage, recognising the desire among many for this, while being honest that this is a complex undertaking. This paper will aim to set out some of these complexities.

**History and context to date**

As with many elements of LLF the question of removing restrictions on clergy entering into same-sex civil marriage is an area on which the House of Bishops, and indeed the wider church, are divided. At the House of Bishops meeting in October 2023, the House were asked to ‘agree that further work be done on part 3 (Ministry) of the Guidance for issuing as soon as possible.’ An amendment was moved to insert at the end of the motion:

‘with the intention that it remove all restrictions on clergy entering same-sex marriages, and on bishops ordaining, licensing and granting permissions to officiate such clergy.’

This amendment was carried by a narrow majority (18 votes in favour, 15 votes against, with 2 abstentions) and the amended substantive motion was also carried (23 votes in favour, 13 against, with 1 abstention).

As such, there have been formal votes taken by the House of Bishops to work towards removing restrictions on clergy (and by extension Licensed Lay Ministers) being able to enter same-sex civil marriages and on writing a part 3 of the Pastoral Guidance which would be consistent with that, as recognised in the Commitments paper.

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The House of Bishops are continuing work to establish how to implement these votes. The question of how to do this, pastorally, theologically and legally, is not straightforward. There appear to be three options for removing restrictions on clergy entering into same-sex civil marriages: either the bishops issue new doctrine or teaching, or they take significant legal risks in extending pastoral provision in a time of uncertainty, or they agree not to enforce disciplinary proceedings.

As regards the first option, the bishops' consistent approach in responding to Living in Love and Faith has been that they are not changing doctrine.

As regards the second option, more work is being undertaken by FAOC on the theological arguments, although the legal situation would remain fragile.

As regards the third option, this could result in uneven treatment of ministers in different parts of the country.

These options and the considerations involved are discussed further below.

At the House of Bishops' meeting in October 2023, there was also an amendment brought which asked that:

‘this House agree that same sex marriage is distinct from Holy Matrimony such that same sex marriage is not seen as impinging on Holy Matrimony in a way that contradicts the Church’s doctrine.’

This amendment was carried (by 20 votes in favour, 15 votes against, with 2 abstentions). This was, in part, based on preliminary theological work done by the Faith and Order Commission on whether same-sex civil marriage is a separate institution to Holy Matrimony, which suggested that the institutions were distinct but overlapping. What is not clear is how far the overlap compromises the possibility of distinct enough institutions on the one hand, or what the exact nature of the distinction rests on. Therefore, it was clear that more theological work was required to establish whether this is a sustainable theological difference, as the goods of same-sex marriage are markedly similar to those of Holy Matrimony. As a result, the House of Bishops have commissioned the Faith and Order Commission to continue work in these areas, to be done as speedily as is possible. This work will be brought back to the House of Bishops, and the General Synod, in due course, to inform decisions moving forward.

### Legal background

The question of what is allowable for clergy rests on specific understandings of the role, responsibilities and vocation of clergy as set out in the Ordinal. At ordination, deacons and priests are asked, ‘Will you endeavour to fashion your own life and that of your household according to the way of Christ, that you may be a pattern and example to Christ’s people?’. To this they respond, ‘with the help of God, we will’. This declaration is foundational to an Anglican understanding of the life of those who are ordained, in terms of their ethical calling and the nature of ordained life.

This is reiterated in Canon C 26.2, which requires that a clerk in Holy Orders must ‘at all times... be diligent to frame and fashion his life and that of his family according to the doctrine of Christ, and to make himself and them, as much as in him lies, wholesome examples and patterns to the flock of Christ’. These reflect high – almost impossible – expectations, though these are tempered by the recognition that what is asked is that one ‘endeavours’ to live this life, for which they will need ‘the help of God’. Deacons, priests and bishops are under the same call to follow Christ as the whole of the Church, but given their

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calling and public role, particular expectations are laid on them, which they accept and commit to in the words of the declarations.

This particular declaration has often been applied to the matter of personal and intimate relationships, though it is important to set this into the wider context of what it means to fashion one's life according to the way of Christ. Sexual ethics are only one aspect of our life in the world, and it is important to attend to the whole person, and the shape of lives as a whole. Nevertheless, in line with promises made in the Ordinal, the expectation is that an ordained minister understands and is committed to ensuring that if they enter (or are already in) a close intimate relationship, this should be in accordance with the teaching of the Church of England. For lay and ordained ministers who wish to enter a close intimate relationship, Holy Matrimony is therefore still set as the standard according to which to order their lives. It follows that were a clergyperson to enter into a same-sex marriage (under current teaching) they would be failing to frame and fashion their lives in a manner that was consistent with Canon C 26.2. This could lead to important pastoral and disciplinary consequences.

### Options for way forward

In light of this advance of this work, but obviously needing to be informed by it, the House has been, as commitment 8 in the cover paper says, "exploring the process for clergy and lay ministers to enter same-sex civil marriages". There are broadly three options for doing so.

### Change in teaching

The question of whether entering into a civil marriage with a person of the same sex is contrary to the requirements imposed by Canon C 26.2 will depend ultimately on the view bishops take generally about the nature of the civil marriage of same-sex couples. If they take the view that such a civil marriage is something which, whilst being separate from Holy Matrimony, can properly be the subject of a form of service which at least implicitly approves the decision of the couple to enter into it, it may be difficult to see how Canon C 26.2 could continue to provide a good reason to say that the clergy may not enter into such civil marriages. Were that the position, bishops would have concluded that the civil marriage of a same sex couple was not at variance with the teaching of the Church of England.

The bishops could issue a new teaching document, which makes clear that restrictions are being removed on ministers being in civil same-sex marriages. There is a significant risk that this would be seen by some as a change in doctrine, which the bishops (and the General Synod) have been clear they do not wish to do to occur. This work is central to the questions being considered by the Faith and Order Commission, as set out above.

### Pastoral provision

The second option is whether the theological rationale of enabling "pastoral provision in a time of uncertainty" could be extended to remove restrictions on clergy entering same-sex civil marriages as a pastoral response. This would recognise that there is a long tradition of pastoral provision that supports, rather than undermines, the teaching of the Church. It would also recognise the argument that clergy should benefit from the same level of grace and compassion extended to them as all other members of the Body of Christ. However, equally this may be seen by some as a significant change in the doctrine of marriage, or a disregarding of the teaching of the Church. This is an area that the Faith and Order Commission are providing advice on. It is also highly likely that, were the bishops to conclude that these changes do not constitute a change in doctrine in an essential matter,



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decisions that emanate from this could be challenged in the courts and leave individual clergy open to further legal risks.

### **Relaxing discipline**

The third option the bishops have considered is whether they might reach an agreement to limit the exercise of discipline to those ministers who enter into same-sex civil marriages, without this requiring any formal change to doctrine or the teaching of the Church. However, this approach could lead to a pattern of different practices in different parts of the country, with some diocesan bishops relaxing discipline, and some continuing to discipline clergy. Even if a general consensus was found amongst bishops, it would still be possible for others to bring a complaint under the Clergy Discipline Measure 2003 against clergy who have entered into a same sex civil marriage. The formal position on what was permitted and expected of clergy would remain unchanged, but with some breaches of that expectation not being disciplined. This would also risk perpetuating a 'don't ask, don't tell' culture, which is damaging and unsafe – and against the Pastoral Principle of 'speaking into silence'.

The House of Bishops has not so far been able to identify any other options to these three. The House will review these options again in light of the further work from the Faith and Order Commission but it is hoped that by explaining the considerations above the General Synod will understand why it is a complex undertaking to permit clergy to enter into same-sex civil marriages within these constraints.

### **Marriage**

Throughout these considerations it is important to recognise the value placed on the institution of marriage by those holding a variety of views. Marriage remains the ideal place for sexual intimacy and the doctrine of marriage continues to be upheld both in the Church of England and the wider Anglican Communion.

### **Conclusion**

The Church is seeking to respond to the desire of some, including lay and ordained ministers, for whom Holy Matrimony is not available due to their sexual orientation, who do not perceive a call to celibacy, but want to pursue holiness within a faithful, exclusive and permanent relationship which may include sexual intimacy. This is not a refusal to live by the teaching of the Church, or wilful disregard for its wisdom, but an attempt to live faithful, holy lives as the persons they are. Despite lengthy conversations, prayer and study, the Church of England has not come to a common mind as to whether it is possible to extend Holy Matrimony to same-sex couples. However, the Church does want to enable all people, including all those called into lay or ordained ministry, to live as faithfully as they can, and without laying upon brothers and sisters burdens that are too heavy to bear.

It is clear that there is a narrow majority in favour of removing restrictions on clergy entering into civil same-sex marriage and that this majority is present in the House of Bishops, the College of Bishops and probably in General Synod. However, it is also clear that there is significant resistance to such a change. Moreover, there are theological and legal complexities to changing either the doctrine of marriage, extending pastoral provision to enable the removal of restrictions as a pastoral response, or removing discipline for those who do enter same-sex marriages.

The bishops remain committed to implementing the decisions made by the General Synod on this, while remaining hopeful that a way forward can be found which enables as many as possible to stay within the body of the Church of England.

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## ANNEX C: LIVING IN LOVE AND FAITH: IMPLEMENTATION

Workstreams

1. As reported in GS2328 Annex G, further work to pursue motions previously passed by Synod on LLF will require substantial operational, policy, legal, and stakeholder management tasks. This annex repeats these principal workstreams and their interconnections:
  - a. Implementing the commended Prayers of Love and Faith resources and associated guidance. This will involve:
    - i. the commended prayers and resources are already publicly available. Further support may be needed for the Liturgical Commission on any future work connected with them;
    - ii. managing the process of Synodical authorization for the Prayers of Love and Faith: forms of service. This entails preparing the material for authorisation through the stages of liturgical business required under Canon (progress on which is outlined in Annex A).
  - b. Managing the practical implementation of the prayers and pastoral guidance. This will include two elements:
    - i. the establishment of a Pastoral Consultative Group to “support and advise bishops and dioceses on pastoral responses to circumstances that arise concerning identity, relationships, sexuality and marriage among clergy, ordinands, lay leaders and the lay people in their care”<sup>8</sup>;
    - ii. managing any policy and legal concerns arising from questions raised throughout the Church (identifying which areas require further legal, theological, or policy thinking and either referring them to the Pastoral Consultative Group or adding relevant information to the guidance, dealing with correspondence and questions), managing any national aspect of any litigation brought concerning the Prayers and/or guidance;
  - c. Policy development and implementation of part 3 of the Pastoral Guidance (Ministry). This will involve further work to develop a policy position, including a theological rationale (working with the Faith and Order Commission) and communicating that, including working with the Clergy Discipline Commission where necessary (see Annex B);
  - d. Implementing the pastoral reassurance measures. In the first instance, this will involve overseeing the processes of commendation and facilitating best practices in adoption<sup>9</sup>. It will also involve designing and taking through the legislation on the Independent Reviewer and making this operational as soon as possible. Consideration is also being made on an interim Independent Reviewer whilst this is established.
  - e. Policy development on other pastoral reassurance measures including exploring the minimum formal structural changes necessary to enable as many as possible to stay within the Church of England. This will involve working out what steps are desirable, seeking to agree them with stakeholders across the Church, bringing them back to the House of Bishops for agreement, reporting them to Synod, and

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<sup>8</sup> GS2289 page 12

<sup>9</sup> GS2328 Annex F

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then implementing those measures (including, if necessary, through any legislation which might be required);

- f. Other Living in Love and Faith work. The paper to Synod in February 2023 set out four areas for further work (singleness, celibacy/ chastity, friendship, human identity<sup>10</sup>). There will need to be policy and theological development work alongside broad and deep engagement with the Church on each of these;
  - g. Communications. Clear and transparent communication will be central to the implementation process, both within the Church to parishes, cathedrals, dioceses etc., and external to the wider public to explain what we are, and are not doing, and to make sure that errors are corrected and misunderstandings avoided. We will also need to consider communications with the Anglican Communion and with ecumenical partners.
  - h. Stakeholder engagement and liaison. One of the successful features of the Living in Love and Faith process so far has been the broad and deep engagement with stakeholders across the Church and beyond, both in listening to their concerns and hopes. and in actively managing those concerns. That engagement will become even more important as we move into the implementation period.
2. Each workstream is likely to need to involve different groups across the Church. Given the breadth of this work, it would be sensible to have some oversight and coordination. A Programme Team is now in place and Programme Governance is being shaped in step with the appointment of co-lead bishops. In addition to this programme structure, particular workstreams will require substantial engagement with stakeholders to seek agreement.
  3. An updated illustrative plan for these workstreams is set out below, focusing in particular on the stages that are likely to involve Synodical engagement. This is illustrative and work is now underway to set this programme within the NCI Programme framework, which will facilitate further detailed planning with individual workstreams.

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<sup>10</sup> GS2289 annex A

**IMPLEMENTATION PLAN-ON-A-PAGE (Updated Feb 2024)**

	2023	2024				2025			
		Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
		Feb Synod		July Synod		Feb Synod		July Synod	Nov Synod
Guiding Commitments	Consultation with the College and House of Bishops	Draft Commitments for consideration by Synod	Further discussion on commitments and related work at HoB	Revised Commitments and accompanying proposals		Outline of legislative agenda built from the Commitments			
Prayers	Prayers resource commended	Implementation update to Synod		Proposals/ Update to General Synod		The timetable for approval of PLF Standalone depends on the approval route chosen (see Annex A)			
Prayers/ guidance implementation			PCG members identified	Proposals/ Update to General Synod	PCG starts work				
Clergy			Proposal/ update to General Synod			Any legislation/ guidance taken to Synod			
Pastoral reassurance 1			Proposals/ Update to General Synod		Interim IR in operation	First consideration of legislation for IR			Final approval of legislation on IR
Pastoral reassurance 2	Policy Development & Advisory Group		Proposals/ Update to General Synod			(any legislation/ guidance taken to Synod)			
Other LLF	Policy development: timescale not yet clear								
Comms	Prayers published, guidance available		Refreshed material for diocesan/ parish use						
Stakeholders	Ongoing meetings and engagement								
Programme governance		Governance framework established, engagement groups appointed		Groups meet	Groups meet	Groups meet	Groups meet	Groups meet	Groups meet