

GENERAL SYNOD**A Report from the Faith and Order Commission**

Theological Reflections responding to Queries from the General Synod and House of Bishops in relation to Living in Love and Faith

This General Synod Miscellaneous paper includes three pieces of theological reflection reviewed and commended by the Faith and Order Commission for study throughout the Church of England. The work was prompted by discussions at General Synod and the House of Bishops. The Faith and Order Commission has responded to those discussions and requests for further theological reflection by doing three pieces of theological work. All three are included in this single document, presented as three sections. They are offered together as a reflection both of how the Commission developed them and also because of a conviction that connections between them (explicit and implicit) will aid those who read it in thinking theologically about Living in Love and Faith.

Section 1 (Ecclesiology, Unity, and Differentiation) explores the question of unity and disagreement within the Church of England in the hope of offering more precise categories for speaking about the disagreement the Church is experiencing over the commendation of the Prayers of Love and Faith for use. It does not resolve these issues—quite the contrary. The paper shows more clearly that the present disagreement is not only about theology, but also about the type of disagreement the Church is having about theology. Whereas some might fear this would compound the problem, the Faith and Order Commission's discussions suggested that being able to speak more precisely about where disagreements lie, how to refer to them, and where they have occurred previously in the Church of England improved the level of conversation among people with different views on human sexuality and relationships.

Section 2 (Episcopacy and Conscience) responds to the disagreements not only within the House of Bishops, but within individual bishops, many of whom are grappling with the tensions created by their personal views on human sexuality and the range of those represented amongst their flocks. The paper explores the ideas of individual and collegiate conscience in episcopal ministry, attempting to offer avenues of reflection on this issue. While this paper arose as a response to particular concerns in the House of Bishops, it is shared with the whole Church as a way of offering some insight into one aspect of the present episcopal discourse.

Section 3 arose from more focussed inquiry about whether a theological distinction between Holy Matrimony and Civil Marriage might be sustained, and thus allow for some options in the use of the Prayers of Love and Faith. In particular, this question arose in connection with the proposal to relax discipline towards clergy in same-sex civil marriages. This piece seeks to resource the Church's discernment on such issues by thinking broadly, examining theological dimensions of holy matrimony, civil marriage, and same-sex marriage within the context of Christian tradition, law, and teaching. It addresses and explores the relationship between Church doctrine and civil marriage. It expresses scepticism that a clear distinction between holy matrimony and civil marriage can withstand scrutiny, and therefore discusses other aspects of marriage to inform and inspire ongoing reflection and deliberation within

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the Church of England, providing a nuanced framework for understanding the complex interplay between holy matrimony, civil marriage, and same-sex marriage.

The Commission commends this work to the whole Church of England for reflection and study. We believe that it discharges the duty of theology to bring clarity where possible, to offer challenge where necessary, and to refine the questions under debate through sustained engagement with Scripture, tradition, reason, and experience. It is our prayer that it will be received in this spirit, and that it may assist all those who continue to discern the ways in which we might live together in unity despite the lines of difference now so sharply visible amongst us.

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Section 1: Ecclesiology, unity, and differentiation

Executive Summary: *(5-minute read)*

- 1 This paper, prepared at the request of the House of Bishops, explores aspects of ecclesiology, unity, and differentiation as they impact upon Living in Love and Faith (LLF). It is designed to be an aid to theological reflection in many areas of the Church of England.
- 2 The paper begins by examining the theological foundations of unity. It explores fifteen ways in which the Church is one as expressed in its theology and practice.
- 3 The paper argues unity was the centre of Jesus' most sustained prayer for the Church on the night before his Passion and what St Paul begged the Ephesians to seek to maintain with their 'every effort.' Unity matters,
 - a. Theologically, because there is one God
 - b. Anthropologically, because there is one humanity
 - c. Soteriologically, because there is one Saviour
 - d. Eschatologically, because there is one hope
 - e. Ecclesiologicaly, because there is one Church
 - f. Doxologically, because there is one faith
 - g. Missiologically, because we bear one witness
 - h. Baptismally, because we acknowledge one baptism
 - i. Eucharistically, because we share one Bread
 - j. Ministerially, because we participate in one priesthood
 - k. Episcopally, because we receive one oversight
 - l. Liturgically, because we share one worship
 - m. Synodically, because we make decisions as one body
 - n. Legally, because we abide by one discipline
 - o. Financially, because we share one purse.
- 4 Part Two interrogates what 'unity as far as possible' might mean theologically and ecclesiologicaly at this juncture in the Church's life. It aims to resource the Church of England's discussion, discernment, and decision-making pertaining to issues of ecclesiology, unity, disagreement and 'differentiation.'
- 5 Following the FAOC report Communion and Disagreement (GS Misc 1139, 2016) the paper outlines three types of disagreement:
 - a. That which calls into question agreement in the truth of the gospel – a threat to apostolic communion, communion with one another in Christ.
 - b. That which calls into question our ability to sustain commitments to shared forms of practice regarding sacraments, ministry, decision-making, witness and service – a threat to ecclesial communion, without denying communion in Christ.
 - c. That which raises issues within or strains one or more of the elements of communion but which can be addressed within a single ecclesial communion.
- 6 The Church of England, when faced with disagreement over the ordination of women as bishops alongside provision for those who could not in good conscience accept their episcopal ministry, sought to create a space between the

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second and third types of disagreement—a kind of disagreement that has a bearing on our ability to be fully in communion as one church. According to *Communion and Disagreement*, through the arrangements then agreed and made, 'we have found a way to bear the impairment to communion that inevitably follows from it without ceasing to be one church' (GS Misc 1139, p. 68).

- 7 The paper then explores what kind of disagreement the Living in Love and Faith process has revealed within the Church of England. It notes that the disagreement has been classed in all three categories by people within the Church. Indeed, our inability to come to an agreement not only about the substantive issue but about what kind of disagreement we are having helps explain why the debate has been so heated and progress at every stage contested. Not only are the two 'sides' on opposite sides of the substantive issue (human sexuality and marriage), but many are also separated about what kind of disagreement we are experiencing.
- 8 To navigate deep disagreements without immediate schism, the paper argues that the concept of provisionality may be helpful. Employing temporary, reversible arrangements that allow for ongoing discernment may be a way forward. Such provisionality would draw from ecumenical dialogue, aiming to maintain as much unity as possible while acknowledging significant differences.
- 9 An Appendix explores examples of unity and disagreement in the history of the Church of England. The material is grouped into four categories:
 - a. Conformity
 - b. Latitude (in doctrine and liturgy)
 - c. Conscience
 - d. The Anglican Communion and ecumenism.
- 10 These themes collectively offer a framework for thinking carefully about the issues of unity and differentiation within the Church of England at present.

Section 2: Episcopacy and Conscience

Executive Summary: *(5-minute read)*

- 11 This paper explores the ideas of individual and collegiate conscience in the ministry of a Bishop. It seeks to understand if there is such a thing as 'collegiate conscience'? And, if there is, how does that relate to the decisions of individual bishops? Finally, it examines what might be the limits of individual episcopal conscience if this goes against the collegiate mind?
- 12 The paper first asks what 'conscience' is and does by briefly exploring the history, field of meaning and usage of the word in English. It observes that conscience, though characterised as an individual possession, a quality of internal attentiveness, also assumes in practice and usage a collective process of moral discernment: it both employs the faculties of reason and judgment and assumes that process to find its orientation from an absolute divine arbiter. It traces connections to natural theology, and acknowledges alongside it the increasing relativism applied to the term from the mid-seventeenth century onwards.

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- 13 The paper argues that it is important to take time to interrogate how ‘conscience’ has been employed historically in the Church of England. Since the moral invocation of conscience is prominent within past divisions concerning the nature and authority of the post-Reformation episcopate, it influences how bishops understand conscience now. It notes the *Book of Common Prayer* and the Elizabethan *Homilies* delineate an individual’s internal conviction of sin or righteousness. Conscience tends to be used in this way where each side in the Church’s internal disagreements perceives its rightness to be supported by the authority of conscience. The paper reflects on whether public appeals to conscience happen when the processes by which theological consensus might be reached are not effective, and/or when the power balance between opposing sides is finely calibrated.
- 14 Against this history, the paper considers the subjective nature of conscience as its promptings are experienced and as it is used by Paul in his consideration of *syneidesis* in 1 Corinthians 8. This usage affirms that discerning the divine will in the human heart is complex, nuanced, and cannot be seen apart from the good of the whole Church. For Paul, conscience is not an inviolable personal citadel, but requires the generous participation of all in imagining well the troubled conscience of the other.
- 15 The paper therefore argues for a relational expression of disagreement—whether or not some form of institutional structural differentiation also safeguards conscientious scruple—as a vital recourse for preserving *koinonia* in the face of profound difference. Individual conscience should see itself as participating in a discernment process that is mutually pursued and neither solitary nor absolute.
- 16 Effectively the paper supports the concept of a ‘collegiate conscience’ that seeks some partial reconciliation on what grounds it can, even in atmospheres of fundamental conflict.
- 17 Looking at episcopal collegiality, it explores the practices of ‘reception, economy and charity’ as mitigations that might shore up a fragile unity. It ponders the different forms of collective responsibility finding conscientious expression for a bishop carrying the pastoral and teaching needs of a divided people, and considers the power relations between bishops of divided conviction within a diocese.
- 18 The paper asks if episcopal conscience can ever be only personal because bishops, both in their representative and in their teaching roles, carry their people’s convictions as well as their own. It also considers how the individual invocation of conscience might assist or complicate inter-episcopal relationships.
- 19 The paper notes that while the episcopal conscience acknowledges and carries responsibility for convictions that differ from their own, it is not always clear what bishops must therefore do. The partial separation in Church of England structures of the episcopal duty to teach and guard the faith from the conciliar process presents some ambiguity as to what conciliar agreement requires of bishops within their own spheres of authority. Moreover, at times of change, when the collegiate conscience may also be changing, simply to hold a past consensus may also be to challenge the collective mind.

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- 20 In atmospheres of low trust the spiritual discipline of caring for a whole people regardless of conviction, however carefully pursued as part of an episcopal function, may not be understood or felt to be enough; and as individual conviction increasingly colours episcopal identity in a divided episcopate it becomes hard to separate the authority of the office from the prevailing politics of division.
- 21 Since bishops must wield authority and guard the faith while respecting difference, if no intra-episcopal accord has been reached, and when the conciliar process is at the same time not a complete guide to the limits of allowable conviction, this presents individual bishops with a challenge. This describes institutional conditions under which the authority of personal conscience is most likely to be invoked as primary, by bishops and by the clergy under their care, in the absence of an agreed intra-episcopal clarity of moral and doctrinal decision.
- 22 In respect to the limits of individual episcopal conscience, this paper suggests that while there are no limits as such – since the conciliar process does not absolutely encompass the whole of a bishop’s vocational moral obligation to represent and to teach – there are considerable and heavy costs in impaired communion, and those costs are borne not merely by the individual bishop but by the Church as a whole.
- 23 Any process that instantiates structural division must consider how those costs – in finance, in mission, in relationships, and in the health of the Church’s Body – are to be mitigated and met. The collegiate conscience of the Church’s bishops might helpfully apply itself to that work of mitigation in modelling a consistent and mutually agreed relational generosity with respect both to authority and to pastoral care, with clear bounds.

Section 3: Holy matrimony, civil marriage, and same-sex marriage

Executive Summary: *(5-minute read)*

- 24 This paper examines the theological dimensions of holy matrimony, civil marriage, and same-sex marriage within the context of Christian tradition, law, and teaching. The paper arose in connection with the proposal to relax discipline towards clergy in same-sex civil marriages, but that question is not the central focus of the work. This piece seeks to resource the Church’s discernment on such issues by placing them within the broad and rich theological canvas available in Christian tradition.
- 25 The paper begins by tracing changing relationships, over the centuries, between Christian practice and marriage as a civic institution, specifically bearing in mind the significance of Christian celibacy; the changes and continuities in the ways in which marriage has been conceived and valued in Christian theology; and the shifting social contexts in which that relationship has been negotiated. The development of Augustinian understandings of the threefold good of marriage,

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interacting with changing meanings, practices and law around marriage, family and sex and sexual desire in society, and with the acceptable roles, behaviour and agency of the sexes, runs through this part. This account provides a context of tradition and historical background for the normative questions considered in part 2.

- 26 In the early Church, marriage was influenced by Roman societal norms, with debates on remarriage and sexual activity within marriage. Figures like John Chrysostom and Augustine developed nuanced theologies of marriage, balancing the ideals of celibacy and the goodness of marriage.
- 27 During the medieval period, the Church gradually took over the ritualisation and regulation of marriage, promoting legitimate marriages and imposing discipline on clandestine ones. The Reformation brought theological development but little change to marriage law in England. The Book of Common Prayer and Common Worship liturgies reflect Augustine's influence, emphasising faithfulness, offspring, and sacramental symbolism.
- 28 The emergence of civil marriage in England began with the 1753 Marriage Act, which aimed to prevent clandestine marriages and increase state control. The 1836 Marriage Act allowed marriages outside Church premises, marking a significant shift in the regulation of marriage.
- 29 The paper then turns, in Part 2, from identifying useful elements in the tradition to considering alternate perspectives on relevant normative questions. It explores different perspectives on the 'goods of marriage' and their relationship to sexual differentiation. One perspective argues that marriage is inherently between a man and a woman, with the goods of procreation, faithfulness, and permanence interwoven within this framework. Sexual differentiation is seen as fundamental to the significance of marriage as an icon of the mystical bond between Christ and the Church.
- 30 Alternative perspectives, such as those of Rowan Williams, Robert Song, and Susannah Cornwall suggest that the fullness of marital commitment is not solely dependent on procreation or sexual differentiation. They propose that same-sex relationships can embody some or all of the goods of marriage, focusing on eschatological fulfilment and witness to God's creative action.
- 31 The paper also considers the significance of procreation and childlessness in relation to the goods of marriage from alternate perspectives. It discusses the different ways in which voluntary and involuntary childlessness can be understood within the context of marriage's goods and its sacramental significance.
- 32 The paper also highlights the importance of recognising the range of household types and their contributions to community life in debates about the goods of marriage. It emphasises that marriage should be celebrated in a manner that acknowledges that range of households and the interdependence of relationships within them as the contexts in which the love of neighbour is practiced within the love of the triune God, formed and oriented by the life of the

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Church. The Church's commitment to value and include single people and their contributions to community life is also underscored.

- 33 The paper finally discusses the language of virtues and values in relation to Christian discipleship and household life. It distinguishes between goods, virtues, and values, noting that the goods of marriage are objective and intrinsic, while virtues are lived expressions of these goods. Values, on the other hand, are subjective and context-dependent, shaped by personal or communal preferences.
- 34 In light of the exploration of the long tradition of Christian—and Church of England—theology and practice in respect of marriage, and different perspectives on the normative issues at stake in current deliberations, the paper concludes by emphasizing the need for deep and careful mutual understanding between those of different convictions on these questions. In that spirit, it offers a nuanced framework for dialogue and winsome engagement on these matters.

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Section 1: Ecclesiology, unity, and differentiation

- 35 The Faith and Order Commission (FAOC) was asked by the House of Bishops to work on some specific topics by way of providing theological resources to support the bishops through the next stage of decision-making related to the LLF Implementation process. One of the four FAOC working groups was asked to consider questions of ‘ecclesiology, unity, and differentiation.’ At an early meeting of that working group, the members decided to prepare a paper discussing,
- i. Why do we, as Christians, need to be concerned about unity?
 - ii. What kind of unity – in the context of decision-making around LLF – are we talking about? and,
 - iii. What do we have in our history and tradition on how the church approaches questions of unity and disagreement that helps us to address our current issues?

The first two questions are presented in the paper below; while some notes on the Church of England’s history are provided in an appendix.

- 36 Versions of this paper were presented verbally and distributed as draft documents to the House and College of Bishops over the spring and summer of 2024. The paper went through several rounds of scrutiny and discussion in the working group itself, and through two rounds of plenary discussion with the whole of FAOC. It should not, however, be considered a formal FAOC report of the kind that is periodically published by the commission: it is a working group paper provided within a short time frame for a specific purpose to resource the bishops’ ongoing discussions at a particular juncture in their deliberations. It is being published now not as an authoritative statement of FAOC’s fully-considered view, but as (as it is) a working group paper, in the interests both of transparency (this is some theological reflection the bishops have received), and as a resource for LLF working groups and members of General Synod.

Why do we, as Christians, need to be concerned about unity?

Because we have one God

“Hear, O Israel: The LORD our God, the LORD is one” – Deuteronomy 6:4

“We believe in one God” – Nicene Creed.

- 37 A properly *theological* grounding for unity starts with contemplation of God. Christian theism proceeds from faith in one God: one creator, one sovereign ruler, one being deserving of all honour and praise. God’s oneness is not, however, monadic; for in the fulness of revelation we discover that God is Father, Son, and Holy Spirit – three subsistences in one Being, mutually indwelling in a perfect communion of love. God’s oneness is properly speaking a *unity* of three: a tri-unity, *trinity*. It is this diversity (of Persons) in unity (of being) that underlies the possibility and harmony of the one cosmos, created by an act of God’s good will. It is not that an unqualified singularity lies at the heart of all existence (monism, pantheism), nor that there is a multiplicity of ultimates

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(polytheism, dualism): it is that the triune God is the ultimate origin of both cohesion and plurality in the world – the One and the Many – both being sourced in God’s personal and ontological subsistence.

Unity matters theologically.

Because we are one humanity

“So God created humankind in his image, in the image of God he created him; male and female he created them” – Genesis 1:27

- 38 What we believe about God necessarily impacts what we believe about ourselves, both as creatures in general, and as God’s image-bearers in particular. Foundational to Christian anthropology is the belief that the human race is essentially one family, whose oneness and plurality are, as in God, equally ultimate. All are ‘in Adam’ (oneness), and yet it is as man and woman together (plurality) that humanity is said to bear God’s image and likeness (Genesis 1:27, 5:2). God relates to humanity first and foremost as to a united whole (Genesis 1:26), and only secondarily and derivatively (though no less truly) to each of us as individual moral agents. Genesis chapter 2 portrays human society as designed and intended by God: a relationship of perfect harmony, trust, love, and labouring together in the mission of God.
- 39 Genesis chapter 3 bears witness to the effects of sin on relationships within creation: between God and humanity (disobedience, doubt, distrust, and distancing), between humanity and the natural world (pain, scarcity, toil), and within human society (shame and blame). It is into this ‘fallen’ state that we are all born ‘in Adam’ (1 Corinthians 15:22, Article IX). Unity is fundamental to understanding humanity’s creation, calling, and condition.

Unity matters anthropologically.

Because there is one Saviour

“There is one God, the Father...and one Lord, Jesus Christ” – 1 Corinthians 8:6.

“There is one mediator between God and humankind, Christ Jesus” – 1 Timothy 2:5.

- 40 God himself has overcome the problem of human sin, its effects and penalty, in the gospel of his Son. Jesus’ incarnation, life, death, and resurrection has reconciled those who are found, by faith, ‘in him’ to God. He is uniquely ‘the way, and the truth, and the life: no one comes to the Father except through [him]’ (John 14:6). Because Jesus is the one way to God, and because in and through him the many find forgiveness and life, unity is central to the doctrine of salvation.

Unity matters soteriologically.

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Because we have one hope

*“By your blood you ransomed for God
saints from every tribe and language and people and nation;
you have made them to be a kingdom and priests serving our God,
and they will reign on earth” – Revelation 5:9-10.*

- 41 The End, when Christ returns to make all things new, will witness a great *re-uniting*. Heaven and earth will be brought back together (Revelation 21:1-2), the natural world will return to harmony and wholeness, and human society will be reconciled and recreated as a communion of love in which diversity (‘every tribe and language and people and nation’) and oneness (‘you have made them to be a kingdom’) both reach their telos. The gospel has as its goal the consummation of all creation into a new, Christ-centred unity: it is ‘a plan for the fullness of time, to unite all things in him, things in heaven and things on earth’ (Ephesians 1:10, ESV). This is the *one hope* to which all believers look and for which all believers long.

Unity matters eschatologically.**Because there is one Church**

“[God] has put all things under [Christ’s] feet and has made him the head over all things for the church, which is his body” – Ephesians 1:22-23.

- 42 Because there is one Lord, one Mediator, one way of salvation, and one redeemed humanity in the new creation, there is essentially *one people of God*. Christ is one head with one Body; he is one Bridegroom who takes to himself one Bride; he is one Messiah who sovereignly distributes his one Spirit to his one people. By the Spirit’s agency, each individual believer is united to Christ (‘mystical union,’ ‘faith-union,’ or ‘spiritual union’), and thereby united to every other believer. There is – there must be – one Body of believers, precisely because there is one Head; many branches of the one Vine. This is a vital and beautiful theological reality: ‘As far as God is concerned,’ we might say, ‘there is one Church.’
- 43 The Church’s fundamental spiritual unity transcends both spatial and temporal distance: the same one Church considered theologically exists in ancient Canaan among the family of Abraham (cf. Article VI) and in twenty-first century England among the congregations gathered on the Lord’s Day in our thousands of parishes: this is part of what it means for us to profess our faith in one *catholic* Church that subsists ‘in accordance with the whole’ (*kata holos*) of God’s saving work in God’s world. While, according to Augustine’s doctrine which so influenced the Reformers and continues to shape Anglican belief and polity today, there are ways theologically to distinguish the visible from the invisible, the militant from the triumphant, the temporal from the eschatological, and the mixed from the pure church, these distinctions should be understood as different

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perspectives on the *one* Church as it is known (only) to God and by him called and cleansed, pruned and perfected.

- 44 Eschatological ecclesiology recognises and rejoices, however, that what we now know by faith we will one day know by sight: both in its origin in the gospel of God and in its ultimate End in the new creation, the Church is one. Ecclesial unity is therefore both gift and calling: it is something we have received from and in Christ and something towards which we move by our own labour of love. As in other areas of our Christian pilgrimage, we learn to live with an ‘inaugurated eschatology’ – a ‘now’ in which we experience and enjoy a measure of churchly unity with Christians of every tribe, nation, and tongue; and a ‘not yet’ by which we acknowledge that unity will *always* be partial and imperfect (even before and apart from the major splits and schisms of the Church’s history) and yearn for the consummation of all things, including of the Church herself: only then will she be ‘made ready’ for the Lamb, her Bridegroom (Revelation 19:7-8, cf. 21:2), ‘without stain or wrinkle or any other blemish’ (Ephesians 5:26).

Unity matters ecclesologically.

Because we profess one faith

*“There is one body and one Spirit, just as you were called to the one hope of your calling, one Lord, one faith, one baptism, one God and Father of all” –
Ephesians 4:5-6.*

- 45 Before all else, the Church as it subsists in time is a community of faith in the triune God. We are called out from the world to belong to Christ (and thereby to one another) *through faith*, itself the gracious gift of God (Ephesians 2:8). Faith is the sole and sufficient instrument by which God draws us into union with his Son.
- 46 It is possible, however, for human beings to lack faith entirely or to exercise ‘false faith’ – either the dead ‘faith’ of mere assent without action (James 2:14-19); the misplaced ‘faith’ of idolatry, trusting in a god of one’s own devising (1 Corinthians 10:7); the self-deceived ‘faith’ of hypocrisy and ambition (Acts 8:9-25); or the wilfully erroneous ‘faith’ of heresy (1 John 2:22). The Church has a responsibility to bear witness to *the one true* faith and demarcate it in teaching and discipline from false faith, so that those who hear and respond to the gospel are securely led to salvation in Christ and membership of his Body. The true faith is the *apostolic faith* – that which Jesus taught his apostles, which they in turn proclaimed, expounded, and applied. Through the apostolic *kerugma*, both preached and written in the New Testament, the apostles have declared to us what they have seen and heard so that we may have fellowship with *them*, whose fellowship is with the Father and with his Son Jesus Christ (1 John 1:3). Fellowship with the apostles through receiving, believing, and obeying their teaching is the instrument by which we have fellowship with God in Christ. There is no other true faith than the one apostolic faith – it is in this faith that all true believers are united.

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- 47 The content and contours of the apostolic faith are found, naturally, in the apostolic writings – the canon of the New Testament. Even within the New Testament itself, however, we can discern the beginnings of summary statements of core aspects of the apostolic faith that served variously as a memory aid, churchly hymn, baptismal confession, pedagogical tool, or yardstick against which other teachings could be measured (Romans 10:9; 1 Corinthians 12:3, 15:3-10; Philippians 2:6-11, 1 Timothy 2:5, 3:16). Very early on in the Church's history, before the scattered churches each possessed more than a handful of the apostles' writings and long before a consensus concerning the New Testament canon emerged, the core statements of apostolic faith were gathered together into a 'rule of faith' – similar in form and content to what would later become known in the West as 'the Apostles' Creed.'¹ This in turn was refined and augmented, in the wake of important debates and bitter divisions concerning the person and nature of Christ, into the Nicene Creed (325, refined 381). Much more could be said about the genesis and reception of the Creed and of later rulings of the ecumenical councils (including, perhaps most notably, the Chalcedonian Definition, 451), but the point at issue in this discussion is as follows: the Nicene Creed is a summary of *the one apostolic* faith as revealed in the apostolic writings that had and has the consent of the whole church, East and West. For 1700 years, the Creed has defined the contours of the *one faith* that all Christian believers should confess and proclaim and in which they are therefore united. It is the only statement of in what the 'one true faith' consists that has the authoritative backing of universality, antiquity, and consent (the 'Vincentian Canon').
- 48 While the Creed defines the contours of the faithful exposition of the Scriptures concerning the one true apostolic faith (at least on the matters on which it touches, in the context of fourth century debates); it does not define all matters of doctrine narrowly, precisely, and exhaustively. It marks out the 'field of play' within which Christian belief operates (and without which the apostolic faith cannot be found). For instance, it renders essential to the Christian faith the belief that 'for us and for our salvation...for our sake, [Jesus Christ] was crucified,...suffered death and was buried' – but does not define *how* Christ's incarnate death avails to save sinners (i.e., it does not commit the Church then or now to one particular understanding of the atonement). The Creed, therefore, preserves unity in a more subtle way than that of having an exhaustive confession to which all must subscribe: by its few, fundamental, and positive articles, the Creed functions to define the bounds of acceptable doctrinal *disagreement* on the matters which it treats within the one faith of a united apostolic Church.²

¹ Testimony to such a 'rule of faith' or 'canon of the truth' and versions of it can be found in the writings of (for instance) Irenaeus, Tertullian, Justin Martyr, Hippolytus, Origen, and the *Didache*. See J. N. D. Kelly, *Early Christian Creeds*, Third Edition. (London; New York: Continuum, 2006), 2–3 et passim, and Everett Ferguson, *The Rule of Faith (A Guide)*, vol. 20, Cascade Companions (Eugene, OR: Cascade Books, 2015), chapter 1.

² Arguably the Chalcedonian Definition does something similar: it defines the essential belief that Jesus Christ is true God and true Man, two natures in one Person; but does not define *how* believers are to understand the relationship between the natures, instead demarcating the acceptable range of answers by specifying four ways in which that relationship must *not* be conceived ('without confusion, without change, without division, without separation').

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- 49 Because the Creed has endured seventeen centuries as the Symbol of the Christian faith, it is the starting-point of ecumenical discussion and inter-faith dialogue. It is, moreover, a *doxological* artefact: the Creed is about the God whom together we *worship* (indeed, it is recited as an act of worship) – it is about who God is (Father, Son, and Spirit) and what God has done (‘creator of heaven and earth,’ ‘for us and for our salvation came down from heaven...,’ ‘giver of life, who has spoken through the prophets’). We know we are worshipping the same God, despite our theological and cultural differences and distances in space and time, precisely because we all believe in common in ‘one God, the Father Almighty...and in Jesus Christ his only Son...and in the Holy Spirit, the Lord.’ While it could be said, on the basis of the agreed canon of Scripture and the Creed, that unity matters *doctrinally*, perhaps it is better to summarise that,

Unity matters doxologically.

Because we bear one witness

“I ask...also on behalf of those who will believe in me through their word, that they may all be one. As you, Father, are in me and I am in you, may they also be in us, so that the world may believe that you have sent me” – John 17:20-21.

- 50 When, in reciting the Creed, we declare our faith in one Church, we are not on our own, seated, hands clasped, and eyes closed in prayer. We are together, standing (if we are able), eyes open, facing the same direction. Ecclesiological, mystical unity in the Body of Christ is a fundamental spiritual datum, but it is more than a pious belief and vague hope for the future: it has a practical and present reality. The temporal, militant Church is a sign of the eschatological, triumphant Church in which it also participates. We ought not, therefore, be content with a concept and expression of Church unity that is merely theoretical nor even merely doxological (though it must be that): there must be ways in which we express the spiritual unity of the Church visibly – outwardly and actively.
- 51 The New Testament knows little of ‘institutional unity’ as we might understand it today in terms of canon law, conciliar structures, clerical hierarchy, geographical units of administration, and common financial arrangements; though the seed of those structures and the principles from which they later arose as the Church grew and developed can be therein detected (and are discussed briefly later in this paper). Instead, the unity of New Testament believers both within and between each congregation was expressed in more organic and dynamic ways: cooperation in evangelism and church planting, mutual bonds of love and affection, the practice of hospitality, a common adherence to apostolic authority, and freewill offerings of support for the needy.
- 52 This culture of partnership or fellowship (*koinonia*) was not only inward-looking but had also an evangelistic edge: that the Church was demonstrably *one* in faith and love was (and is) a sign to the watching world that Jesus was indeed sent from the Father (John 17:21) and that the believers were truly his disciples (John 13:35). As Tertullian remarked, the idea is that as unbelievers ‘See how they

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love one another!' they will be drawn into the ambit of the Christian community and under the sound of the gospel message.

- 53 The converse of the positive missional impact that unity, as Jesus prayed and promised, has is the *negative* missional impact that bitter division in the Church brings. When the watching world can 'see how they hate one another!' the community of Christ will be deeply unattractive and the gospel of Christ discredited. Disagreement within the temporal Church is inevitable: it is, after all, a hospital for sinners and not a museum of saints, and sinners moreover with only a partial and provisional grasp of God's perfect truth. If, however, those who belong to Christ's Church are able to disagree with grace, patience, humility, perseverance, and above all, genuine love for those with whom they (even sharply) differ – then the character of that disagreement becomes itself an apologetic for the Christian faith: here is a people who can hold on to one another, in love, with gentleness and respect, despite their differences and disagreements.
- 54 The mission of the Church – broadly conceived (the Five Marks of Mission) as well as in terms of evangelism specifically – relies on many believers labouring in the Lord together. *Koinonia* is more than mere cooperation – it involves bonds of love, even mutual ownership; and is as much the 'end' of the endeavour as its means. For Christians to be the presence of Christ and to do the work of God in the world, they must be one.

Unity matters missiologically.

Because we receive one baptism

"As many of you as were baptized into Christ have clothed yourselves with Christ" – Galatians 3:27.

"We acknowledge one baptism for the forgiveness of sins" – Nicene Creed.

- 55 The essential unity of the Church is, as we have said, a spiritual truth; but it is an 'invisible' truth that has visible expression – the profession of one faith and co-labouring in one mission. Another area in which the spiritual oneness of the Church is given tangible expression is in the receipt together of the dominical sacraments.
- 56 While there are billions of Christians today and through history who have received baptism, we nonetheless believe in "*one baptism for the forgiveness of sins.*" There is, then, a *baptismal unity* by which the many baptisms participate in the one. What is the one baptism in which all share? It is baptism *into Christ* – specifically into his atoning death and victorious resurrection (Romans 6:3-5). Our individual baptisms incorporate us severally into the one Christ, whose passion was *his* baptism (Luke 12:50). The one baptism into Christ is also the promised baptism of the Holy Spirit (Luke 3:16), poured out upon the whole (one) Church (Acts 2:17): the continuing overflow of the Spirit's anointing of the Church at Pentecost continues to cascade down the generations to our own age – and beyond. Baptism is "an outward and visible sign of an inward and spiritual

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grace” (BCP Catechism), where the unseen spiritual reality of the unity of the people of God in Christ intersects with the tangible, visible expression and recognition of that unity in a specifically ecclesial setting. As Article XXVII puts it, baptism is “a sign of Regeneration or new Birth, whereby, as by an instrument, they that receive Baptism rightly are grafted *into the Church*” (emphasis added). *Baptism confers membership of the Church of God*, fulfilling the function (and significance) of circumcision in the old covenant dispensation (Colossians 2:11-12).

- 57 Even if some wish to contend that, according to the Reformed tradition evinced in the Articles, baptism does not avail ‘automatically’ in the absence of faith, the visible, objective character of the outward rite is sufficient to establish the reality and bounds of baptismal unity and its consequent responsibilities. For one who upholds that it is by faith alone that we are united (through baptism, ‘received rightly,’ ‘as by an instrument’) to Christ – and that baptism does not therefore *of itself* necessarily and inviolably confer membership of the mystical Body of Christ – will also readily accept that the true spiritual membership of Christ’s mystical Body (the ‘invisible’ or ‘eschatological’ Church) is known only to God. Authority for ruling definitively on who is ‘in’ and who is ‘out’ of the mystical/eschatological Body belongs to Christ only, which role he will perform at the eschaton. The only Church with which we here below have the ability and authority to deal, therefore, is ‘the *visible Church* of Christ’ (Article XIX); and the only baptism we can definitively discern is the outward visible sign (the administration of water and the trinitarian formula). The ‘inward, spiritual grace’ is something God confers invisibly according to his goodness and sovereign will. Throughout the history of the Church of England and still today, the Church has ministered to its people on the basis of a charitable presumption that all who receive the outward sign and continue to profess the name of Christ have received the inward grace. We do not ‘seek windows into men’s souls,’ but take people at their word and leave that ultimate spiritual discernment and determination to Whom it belongs. The Reformed doctrine of salvation and the sacraments expressed in the historic formularies does not *undermine* the significance of baptismal unity – in fact, it precisely *underlies it*: for to recognise another’s baptism and Christian profession (as we are obliged by Christian charity) is to receive them and treat them as being *in Christ*, as true members of his Body. The duties of Christian love flow from this shared baptismal identity: baptismal *unity* shapes how we are to relate to one another and speak to and of one another.

Unity matters baptismally.

Because we share one bread

“We who are many are one body, for we all partake of the one bread” – 1 Corinthians 10:17.

- 58 Something similar can be said about the other dominical sacrament. The Eucharist is *the Lord’s Supper* (not the priest’s, nor the congregation’s, nor even the Church’s), and by it we feed on the one body and blood of Christ, broken and shed once for all at Calvary. There is, then, essentially *one* communion of the

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one sacrifice that is both earthly ('we who are many are one body, for we all partake of the one bread') and heavenly ('with angels and archangels and all the company of heaven'). The unity of each separate congregation represented in its sharing one loaf and one cup is a sign of the eucharistic unity of the whole Church of God – again, through spatial and temporal extension.

- 59 The Eucharist, however, is where the essential spiritual unity of the mystical Church begins, painfully, to strain and fracture in its visible, temporal expression. This is where there is a disjunct between what we believe to be true and know to be desirable (even required) on the one hand, and *how things actually are* on the other. This is not the place to describe how the situation came about in history (with particular reference to 451, 1054, 1517/21, and other significant dates in Church history), much less to assess it and assign culpability: the fact is that the spiritual unity of the Church is not reflected in visible unity *precisely at the level of eucharistic fellowship*. The Church of England has historically been 'in full communion' with other Anglican Communion provinces across the world, and in the last hundred years has come to be in full communion with several other churches (via, for instance, the Bonn Agreement and Porvoo Communion); but *is not in communion* with certain other parts of the 'one, holy, catholic, and apostolic church' – notably, given the shared historic episcopate, it is not in full communion with the Roman Catholic and Eastern Orthodox churches (who are in turn not in full communion with each other).
- 60 To be 'in (full) communion with' means extending a mutual, unimpeded, and unreserved invitation to the Table: it means to recognise the other as a member of the Body of Christ, a sibling in the same family. This invitation and mutual recognition concerns at least three levels:
- i. the individual believer,
 - ii. the local church congregation, and
 - iii. the macro (often national) church structure.
- 61 At the level of the individual, to communicate them with the sacramental elements means receiving them as a genuine believer (while to excommunicate them means, minimally, warning them that in the church's judgment, they are on a trajectory towards being outside of Christ by their impenitent behaviour or critically defective beliefs). At the level of the congregation, to be in full communion with another congregation means sharing both in one bread and in one mission and ministry: it is this intercommunion between local congregations that makes the Church of England 'a church' and not just a conglomeration of worshipping communities in geographical proximity. The communion of national churches or denominations is the extension of this principle of *one* (not just a coordinated) mission and ministry to the regional and global level. With whom admission to the Eucharist is entirely and reciprocally shared is reflective, therefore, of with whom one believes to be in same *one* visible, temporal church.
- 62 For a church *not* to be in communion with another therefore, means, at least theoretically and historically, to have misgivings about the teaching, liturgy, or ministry of the other – either at the level of its perceived lack of orthodoxy or sacramental validity (such that the other ought not be considered a true church at all), or at the level of significant error (the other may be considered a true

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church but its errors are sufficiently spiritually serious that formal distance must be maintained). Of course, the barriers to full communion may not be symmetrical: one church may regard the other as a true Church with no error or deficiency weighty enough to necessitate broken communion, while the other church may regard the first as critically lacking in some respect – this asymmetry is arguably witnessed in ecumenical relationships between the Roman Catholic Church and the Anglican Communion, and in the uncertain prospects of Methodist-Church of England reunion (interestingly, in both cases the asymmetry is often focussed on issues to do with holy orders, which in turn is directly related to sacramental propriety or even validity).

- 63 In a strict sense historically employed, *eucharistic* unity is binary: one is either in communion or one is not. Ecumenical conversations and processes in the last sixty years, however, have found it fruitful to talk of ‘degrees of communion.’ The Second Vatican Council’s Decree on Ecumenism, *Unitatis Redintegratio* (1964), implicitly opened up this vista for ecumenical dialogue when it found (§1.3) that, ‘men [sic] who believe in Christ and have been truly baptised are in communion with the Catholic Church even though this communion is imperfect.’ Talk of ‘imperfect’ communion and ‘degrees’ of communion, no longer defining communion in a binary fashion around the eucharist only and entirely, has enabled ecumenism to make significant progress. The confluence of so many theological and historical factors (sacramental theology, ecclesiology, holy orders), makes eucharistic communion among the most sensitive and difficult of ecumenical topics. Ecumenical dialogue has found it possible and fruitful to build relationships of love between churches even in the face of ongoing theological division over and in Christ’s fundamental unity-gift of the Eucharist. If ecumenism has to *start* at the Sacrament, it will make no progress: if sacramental unity is instead the ultimate *goal*, considerable milestones can be achieved (and have been) along the way.
- 64 Some Christians and denominations believe that, in temporal and visible terms, the only kind of church that can and should exist is the local congregation. Proponents of such an ecclesiological understanding will typically extol the virtues of cooperation in mission between local churches and will speak warmly of the importance of a bond of love between churches that comes with a degree of mutual responsibility and accountability; but the supra-congregational structures that facilitate that interaction (for example, the Baptist Union or the Fellowship of Independent Evangelical Churches) are not, could never be, and should not seek to act as, ‘a church.’ Each individual congregation is formally autonomous and accountable only directly to its head, Jesus Christ; individual believers are members of a visible church at a local congregational level, and members of the invisible Church at a spiritual level, but there is no ‘church’ properly speaking between those two ecclesiological planes.
- 65 The Church of England is an example of a denomination with a different governing ecclesiology: one that operates on the basis of a belief that ‘the *one*, holy, catholic and apostolic church’ can and ought to exist temporally and visibly as well as eschatologically and spiritually. There *should be* one Church ‘on earth as it is in heaven,’ of which each local gathering (congregation and diocese) of the faithful is part. It is therefore incumbent on the various churches (including

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the Church of England) prayerfully and practically to seek to overcome the divisions that prevent full eucharistic communion and visible church unity. There are different versions of the character that that visible unity might take, from a more characteristically C/catholic vision of a unified ministerial hierarchy to a more characteristically Protestant paradigm of fully-reconciled plurality (what Konrad Raiser, former general secretary of the World Council of Churches, called a 'horizontal understanding of unity') – but whatever the precise shape of the desired 'end', eucharistic unity is an absolutely central feature.³

- 66 What this discussion demonstrates is the symbolic (more, but no less than symbolic) significance of *eucharistic* unity to questions of what it means to be one Church, at a local, regional, national, and global level.

Unity matters eucharistically.

Because we participate in one priesthood

*“Rekindle the gift of God that is within you through the laying on of my hands” –
2 Timothy 1:6.*

- 67 There is an ostensible tension between how churches relate to other churches concerning one dominical sacrament (baptism) and how they relate concerning the other (Eucharist). A case can be made to define the church baptismally *or* eucharistically: are we one church with all with whom we share one baptism, or are we one church with whom we share one bread? Theologically and originally, the two answers would have been very nearly coterminous; but in the twenty-first century they are very different (albeit overlapping).
- 68 The Roman Catholic and Eastern Orthodox churches recognise baptism conducted according to Anglican rites as valid baptism: they will not consent to (re-)baptise anyone who has received the sacrament in that ecclesial setting (and nor do Anglican churches rebaptise those who have been baptised Catholic or Orthodox). Baptismal recognition goes much further than the relationship between the Roman Catholic, Eastern Orthodox, and Anglican churches: nearly every mainstream denomination committed to the Nicene Creed is committed also to recognising every baptism conducted with the requisite form, matter, and intent – the trinitarian formula, water, and the aim of doing what the church does when it administers baptism. Even those denominations that do not accept the baptism of infants, for the most part acknowledge the validity of an *adult believer* receiving the sacrament according to the rites of the other churches. Unity in one visible, militant church by true baptism yields a generously large circumference. As we have said in the previous section, however, when it comes to defining membership of or unity in the church eucharistically, the circles are smaller and often distinct. Why should there be a difference between the two? If I am to receive every baptised person who professes the faith as a sister or brother, how can I with consistency balk at sharing at the same Table?

³ As quoted in Cardinal Koch's address to the Lambeth Conference on 4 August 2022, in which the Cardinal outlined different and developing approaches to the ecumenical project: [Address of Cardinal Koch at Lambeth Conference](#).

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- 69 A key reason why this argument cannot yet prevail in ecumenical discussions concerns the ministry and doctrinal matters related to holy orders. The Church, while typically preferring for reasons of fittingness and public propriety ordained ministers to conduct baptisms, has always accepted baptisms performed by lay persons as valid, if irregular. Because it is *Jesus* who as Messiah is the one that baptises with water and the Spirit, the person administering the form and matter is merely Christ's instrument and thereby themselves largely immaterial. This was an argument that Augustine deployed against the Donatists in the fourth century, and which was in our own church's sixteenth-century history rearticulated (in the context of so-called 'anabaptists' objecting to the validity of baptism received from a Roman priest) in Article XXVI. To demur from recognising another's *baptism* is to demur from acknowledging *Christ's* work, not the human baptiser's.
- 70 When it comes to the Eucharist, however, the standing of the president of the churchly rite is much more contested. If all held to a *functional-only* understanding of ordination, and/or to a *memorialist* theology of the Supper, eucharistic communion could be as straightforward to assert and attain as baptismal communion. Once, however, a notion of specific spiritual effect (including, for many, real presence and/or substantial change in the elements) comes into consideration, allied to the necessity of some quality, character, or unction on the part of the minister who presides (so that he or she is *able*, in a way that a lay person is not, to speak and act *in persona Christi* and to call down the Holy Spirit upon the people and the elements), the difficulty of attaining one ecclesial Table emerges.⁴
- 71 While all (including the Roman Catholic Church) aver that Christ is the only High Priest of the new covenant and that the whole number of the baptised participates in the corporate priestly calling of the people of God (1 Peter 2:5; cf. *The Catechism of the Catholic Church*, §1544-46), the nature of the *ministerial* priesthood or presbyterate is disputed between different denominations and traditions. For large parts of the global and historic church, the capacity to preside at the Lord's Table relies upon a priest receiving a specific spiritual charism by the laying-on of hands in the apostolic succession; a chain of *authority-giving* and *ability-giving* coming in ordination from the apostles (and from the Lord Jesus) through the historic episcopate. For most of the churches of the Reformation, however, no such *ontological* change is required or even possible.
- 72 The Church of England in the sixteenth century somewhat 'hedged its bets.' On the one hand, the apostolic succession through the laying on of hands was very deliberately preserved after the break with Rome under Henry VIII, Edward VI, and Elizabeth I; holy orders are considered indelible (suggestive, if not determinative, of an ontological view); and the Church of England is so far only

⁴ This is not to say that that such a view of ordination is necessarily the Anglican position (though many Anglicans hold it): it is just an observation that in part explains the additional sensitivity around the Eucharist compared to Baptism.

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in full communion with other churches that have likewise retained (or re-received) the historic episcopate and episcopal ordination (such as those in the Porvoo Communion). On the other hand, some of the rites and language redolent of an ontological view of ordination were excised from pre-Reformation precedents in the Ordinal (for which reason, the papal bull *Apostolicae curae* in 1896 determined Anglican orders null and void); for a time at least in the sixteenth century, ministers ordained in presbyterian churches overseas were allowed to take up office in English parishes without being episcopally ordained; and in the twentieth and twenty-first centuries, the union of the Church of England with the non-episcopal United Reformed Church and with the Methodist Church has been seriously pursued. The failure of the English Covenant in 1982 and the stalling of *Mission and Ministry in Covenant* in 2019 (though not solely due to this question) shows that a significant proportion of Church of England priests and laity regard *something like* the apostolic succession thus described to be essential to their conception of the ministry.

- 73 It is in connection with holy orders that the issue of ‘degrees of communion’ gains prominence once again. ‘Degrees of communion,’ being at first an ecumenical concept (discussed above), entered the inter-Anglican lexicon via the 1988 Lambeth Conference. In view of one of the Provinces being then poised imminently to consecrate a woman as bishop, the Conference resolved that Provinces making different decisions about women and the episcopate should seek to maintain ‘the highest possible degree of communion’ one with another, and on that basis called upon the Archbishop of Canterbury to appoint a commission (later chaired by Robin Eames, Archbishop of Armagh) to monitor developments and offer pastoral guidelines. ‘Degrees of communion’ completed its journey from ecumenism, through inter-provincial relationships in the Anglican Communion, into the life of the Church of England itself with the House of Bishops’ Declaration attending the legislation opening the episcopate to women. The fifth of the ‘Five Guiding Principles’ at the centre of the Declaration on the Ministry of Bishops and Priests (2014) promised ‘pastoral and sacramental provision’ for those who cannot in good conscience receive the ministry of female bishops and priests ‘in a way that *maintains the highest possible degree of communion* and contributes to mutual flourishing across the whole Church of England’ (emphasis added). The Declaration implicitly recognises that consecrating women as bishops while enabling those unable to receive their ministry to remain in good conscience means that communion *within* the Church of England will be impaired: there will no longer be an episcopate (nor, since 1994, a presbyterate) of full mutual recognition of orders. There remains, however, a higher degree of communion within the Church of England than that between, say, the Church of England and the Roman Catholic Church, for not only is baptismal communion maintained, but eucharistic communion *to a (considerable) degree* is maintained also: a traditional catholic Anglican priest or bishop *can receive the eucharist* alongside a woman ordained bishop, provided the celebrant were someone whose orders both could recognise.
- 74 The theology, practice, and mutual recognition of holy orders, therefore, is another area where unity and disunity can be located. To have perfect unity – one Church with one Table – there would need to be *one (ordained) ministry*,

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through which all believers could receive the Sacrament with unfettered joy and complete assurance concerning validity and propriety.

Unity matters ministerially.

Because we have one oversight

“I left you behind in Crete for this reason, so that you should put in order what remained to be done, and should appoint elders in every town, as I directed you” – Titus 1:5.

- 75 Mention has already been made of different ways of conceiving the possibility, legitimacy, and identity of a/the church at a supra-congregational or regional level. While some believe the visible church only subsists at a congregational level, the Church of England is an example of those churches whose ecclesiology assumes the existence in the temporal, visible realm of ‘a church’ *over and above* the local congregations. For that regional or national church to have a supra-congregational identity and function, it requires some form of supra-congregational structure. That supra-congregational structure could be confessional, legal, strategic, and financial; but none of those arrangements has clear New Testament warrant nor theological identity. They may be useful – they may even be necessary – but lacking Scriptural reference and properly theological justification, they cannot concern the *esse* of the Church: they are a matter of practical, not speculative, ecclesiology.
- 76 Only two systems of supra-congregational structure have been seriously and sustainedly advanced on a biblical, theological, and historical-traditional basis: presbyterianism and episcopacy. They have in common both the notion of expanding levels of regional oversight (*episcopate*), and the irreducibly *interpersonal* nature of churchly relations (it is not a law code, performance target, or spreadsheet that institutionally expresses the unity of the congregations; but particular *people* called by God and the church to occupy certain offices). The difference, naturally enough, concerns whether that *episcopate* ought to be exercised by a council of elders meeting in conference as equals (presbyterianism); or by bishops presiding over priests and parishes (episcopacy). New Testament material can be argued either way (as Reformation-era debates demonstrate); but from the second century to the sixteenth, episcopacy (and the threefold order of ministry) held sway universally across East and West. The Church of England, unusually but not uniquely among Protestant churches, while embracing much of the Reformed faith, due to a confluence of political and personal factors, was willing, able, and soon proud to retain the ancient catholic order of the episcopate.
- 77 In what way, then, does a bishop individually, and the episcopate collectively, reflect, personate, sustain, protect, and prosper supra-congregational unity? Though the ways in which the bishop represents, personifies, sustains, and safeguards the unity of the church through his or her office and ministry goes back to patristic, even New Testament, teaching, the phrase ‘focus of unity’ became mainstream in Church of England discourse following its prominence in

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the *Episcopal Ministry* report from 1990. In that report, the way in which a bishop is a ‘focus of unity’ is nothing to do with an individual bishop’s personality, conduct, and leadership style, as if it belongs to the nature of the episcopal office to be able to work generously and effectively across theological and cultural difference and in so doing hold their diocese together (useful though that charism may be). Instead, the bishop’s being a ‘focus of unity’ is an ecclesiological function of the episcopal office. The report discussed how the bishop is (or at least historically has been and ideally should be) the focus of unity in all three of the ‘planes’ of the life of the church: the unity of the local church (conceived of here as the *diocese*), the unity of local churches with the wider church as a whole, and the unity of the present church with the historic (apostolic) Church. On the first plane, *Episcopal Ministry* argued. the local church (diocese) looks to the bishop as its chief pastor (through the bishop’s teaching, discipline, eucharistic presidency, and serving as pastor-of-pastors) and leader in mission: through the bishop, the local church worships, witnesses, and works as one body. On the second plane, the bishop relates the local church (diocese) of which they are chief pastor to other local churches – representing the diocese to the wider Church and the wider Church to the diocese, through councils (including the episcopal college), letters, visitations, prayer, and a range of other formal and informal relationships and arrangements. On the third plane, the apostolic succession through the episcopate is a sign of the historic unity of the Church, in both faith and order, down the ages from the apostles. Though how well the episcopate collectively and bishops individually reflect and exercise this unitive function both varies and is a matter of opinion, to be in an episcopal church is to recognise and respect the bishop’s role as a ‘focus of unity’ in some or all of these ecclesiological senses.

Unity matters episcopally.**Because we share one worship**

“They devoted themselves to the apostles’ teaching and fellowship, to the breaking of bread and the prayers” – Acts 2:42 (emphasis added).

“But after you are filled, thus give thanks: We thank You, holy Father, for Your holy name which You caused to tabernacle in our hearts...” – Didache, ch. 10.

- 78 We turn now from the aspects of unity that are more theological or theoretical-ecclesiological, to a handful more applied – liturgical, conciliar, legal, and financial unity – and consider the theological basis for unity in these spheres.
- 79 *Lex orandi lex credendi* (‘the law of praying is the law of believing’) eloquently expresses the rationale for liturgical unity. Since our worship expresses (and to an extent constructs or constitutes) what it is we believe, unity in faith and ministry ought to precipitate and be accompanied by unity in forms of public prayer and praise.
- 80 The principle of liturgical unity as the expression of and basis for the unity of the church – a principle found in the early Church (the *Didache* being a particularly

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early example of directions for worship and providing the precise wordings of prayers) – has a particular prominence and heritage in Anglicanism. Uniquely among the churches of the Reformation, the Church of England's 'confessional' unity has come to be two-thirds defined by *liturgy* – with the Book of Common Prayer and the Ordinal joining the Thirty-Nine Articles as the 'historic formularies' that remain normative for Church of England doctrine and identity. We discern what it is we are meant to believe and do together from two liturgical texts – which we are to treat (in the Declaration of Assent) as faithful witnesses to God's revelation in Holy Scripture.

- 81 With the advent of the liturgical revision movement over the course of the last hundred or so years, liturgical unity *qua* uniformity has ended: since the early twentieth century, divergence in parishes' use of rites has been expressly allowed.⁵ The Church of England has, however, sought to preserve a high *degree* of liturgical unity without uniformity through its approach to liturgical revision. *Common Worship* (2000-) attempts to square the circle of unitedness in prayer and praise alongside the freedom, flexibility and adaptability better suited to the mission of the church in the twenty-first century by blending a mandatory 'structure' for services (including some mandatory elements) with a number of authorised options with which to populate it (or permissions, at points, for 'other suitable words' of the minister's devising). Liturgical unity in the Church of England is therefore still expressed both in a shared historic norm that can still be (and is) used – the *Book of Common Prayer*, in a common pattern and approach informed and influenced by that norm, and by the way in which the authorised options available to populate the service structures are the products of broad consensus and compromise.⁶ Even with some considerable allowable divergence in style and content of services, the Church of England – in principle if not always in practice – continues to regard a high degree of liturgical unity as extremely significant for Anglican identity and important for the unity of the national church. A church that prays together, stays together.

Unity matters liturgically.

⁵ The Report of the Royal Commission on Ecclesiastical Discipline (1906) first recommended that archbishops and bishops ought to be able to sanction additional services at their discretion. Liturgical pluriformity was effectively condoned from 1928 onwards, since bishops tended to permit the use of the 'Deposited Prayer Book' on the grounds of its endorsement by the National Assembly, despite its failure to be authorised by Parliament. Following the *Ecclesiastical Jurisdiction Measure* (1963), Series 1, 2, and 3 (1966, 1967, 1973-77) and the *Alternative Services Book* (1980) formally introduced a range of allowable options.

⁶ The necessity of supermajorities (two-thirds) in all three houses of General Synod for the authorisation of new liturgies or liturgical changes has meant that the process of drafting and revision (led by the Liturgical Commission) has invariably sought compromise with the design that any priest ought *in conscience* to be able to use any prayer or service authorised for use in the Church of England. Eucharistic Prayers A-H are a case in point: they were drafted in such a way that none *requires* so clearly a 'real presence' interpretation that those inclined to a receptionist or memorialist view *could not* use it, and none *requires* so clearly a memorialist interpretation that those who believe in the real presence *could not* use it. None are therefore *entirely* to the theological taste of anyone (though most would have clear preferences), let alone everyone: but they have been designed exactly in that way *for the sake of* a high (-enough) degree of *liturgical unity*.

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Because we make decisions as one body

“The apostles and the elders met together to consider this matter” – Acts 15:6.

- 82 Jesus Christ is, as we have rehearsed, the one Head of the one Body, the Church. During his earthly ministry, his disciples never questioned his sole and absolute leadership (which is not to say they never argued with him). But after his ascension, the apostles together formed a collective leadership, albeit with extra prominence given to Peter, James, John, and Paul. When a question arose concerning how to integrate gentile believers, the apostles took counsel together in Jerusalem in a meeting chaired by James and to which delegates from Antioch and presbyters from the Church of Jerusalem were invited (Acts 15). A long discussion ensued, an agreement was reached (featuring some concessions for the sake of the minority), a ruling was recorded and published, and the nascent network of churches across the Levant (and soon Asia Minor and beyond) instructed and expected to comply. The ‘Jerusalem Council’ prevented the church fracturing into two halves as the gospel started to make inroads not only among the Jews but also among the pagans. In other words, the purpose of the very first ‘synod’ was to give sufficient authority to a deliberation and decision that could achieve sufficient consent to preserve the unity of the church in the face of a grave internal threat.
- 83 From as early as the third century, synods were likewise called to stave off the threat of division. Once Christianity was legalised, regional synods continued to meet to settle local and low-level disputes, but ecumenical councils (beginning with Nicaea, 325) could now be called to settle major contended matters of Christian faith. In each case, the ancient ecumenical councils met to settle a question of doctrine, division over which threatened to split the church, and then attempted to enact and enforce that ruling thereafter; including, wherever necessary, by anathemas, depositions, and excommunications. The Church, in council, settled the *truth* and on that basis settled both *unity* among the orthodox and *differentiation* from the heterodox. Councils defined, protected, and policed the unity of the Church, a unity in agreed true faith and praxis.
- 84 The Church of England has held its own provincial synods since the Anglo-Saxon mission; with the Convocations of Canterbury and York being gathered from the late thirteenth century. The modern phase in Church of England conciliar decision-making, however, dates from the mid-nineteenth century; with the latest iteration, the General Synod, meeting from 1970. General Synod legislates for the Church of England in the form of measures (for the government and institution of the Church) and canons (doctrine, worship, and discipline), approves liturgy, regulates relationships with other churches, and has a number of additional roles and functions. Much of its function and business is practical and legal; but its mandate rests on the same theological principles that lay behind the calling of ecumenical councils and the Jerusalem Council: for the church to have a common life and witness it needs to have common rules in faith and order; and needs a representative and consultative body with sufficient authority, legitimacy, and consent to make those rules. The tension between episcopal and synodical authority is a somewhat anomalous feature of the Church of England in the last fifty years: ‘episcopally led and synodically

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governed' is a catchphrase employed by some and criticised by others – it is an attempt to reserve to bishops their ancient (apostolic) role while recognising the independent authority of an elected, representative body.⁷

Unity matters synodically.**Because we abide by one discipline**

“All things should be done decently and in order” – 1 Corinthians 14:40.

- 85 If conciliar unity is needful to preserve the unity of the church by centralised representative decision-making (with sufficient authority, legitimacy, and consent); 'legal unity' – the submission of a dispersed church and its clergy to a common set of laws (typically called 'canons') – is a necessary corollary. Indeed, in his introduction to *The Anglican Canons, 1529-1947*, Gerald Bray describes the Jerusalem Council, specifically its issuing written directions, as 'the key moment which defines [canon law's] origin.'⁸ When synods and councils met in the early church, following Jerusalem's example, the outcome was typically the publication of canons – laws and disciplinary norms – whose authority extended over the region of that council's competence. The ecumenical councils' canons were universally binding, whereas provincial councils had localised authority. Over the centuries, canon law was gradually compiled, occasionally rationalised and reformed, and still more occasionally revised *in toto*.
- 86 Canon law is typically premised upon the settlement of a question of doctrine, which then animates the rules for putting its implications into practice. This distinction means that canon law is by its nature provisional: the 'faith once for all entrusted to the saints' (Jude 3) is constant, but the practical application of any given Scriptural principle is amendable and variable according to the exigencies of a given time and place. What once proved a necessary expediency for the unity and good government of the church need not be required always and everywhere.⁹
- 87 As with the calling of councils, canon law is intended to ensure good order within the church that maintains its functional unity, often by way of compromise –

⁷ In deference to the episcopal government of our church and the bishops' historic role as teacher and defender of the faith, the House of Bishops is 'more equal than others' in General Synod. Matters pertaining to doctrine, liturgy, and the administration of the sacraments has to be referred to the House of Bishops and can only be submitted to Synod for final approval in 'terms proposed by the House of Bishops and not otherwise' (Constitution of the General Synod, 7.1).

⁸ Bray, G. (ed), *The Anglican Canons, 1529-1947* (Church of England Record Society, 1998), xxiv.

⁹ The 'canons' of the Jerusalem Council are a case in point: the principles that (a) gentile believers need not become Jews and submit to every part of the law of Moses, and (b) that gentile believers ought nonetheless avoid giving offence to Jewish believers are universally binding principles of faith and love respectively. But the 'canon' forbidding the eating of meat with blood in it (Acts 15:29) is generally interpreted as no longer binding, since there is not the same quality or quantity of mixed Jewish-gentile Christian churches as was common in the 40s AD (and a century or more thereafter). A changed situation for the church means different rules for its common life are needed (or no longer needed).

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theological as well as practical. Bray notes, ‘canon law has often acted as a *via media* between irreconcilable extremes, and its proponents have more than once found themselves forced to argue that “the peace of the church”...means more than a rigidly logical adherence to some theological principle.’¹⁰

- 88 Unity defined legally might occasionally seem to be in tension with unity defined in terms of the episcopate; especially since both the institutions of law and bishop are concerned with the question of *authority*. What authority binds the churches and clergy together – the bishop’s or the law’s? There is at least in the Anglican tradition a ‘right answer,’ reflected in both the wording of the clergy’s oaths and its accepted interpretation. A priest swears an ‘oath of canonical obedience’ to his or her bishop, promising to obey ‘in all things lawful and honest.’ It is, therefore, *the bishop* to whom the priest is accountable, but the bishop’s authority is defined and circumscribed by the canons: the bishop can command only those things which are in the bishop’s competence to command – and those are defined in canon law.¹¹
- 89 ‘Legal unity,’ therefore, like conciliar unity, is a necessary consequence of the more directly theological unity of the church and the episcopate. If the church is to be securely united in sacraments, in ministry, in mission, in liturgy, and in oversight, it will have to be united in law and discipline.

Unity matters legally.

Because we share one purse

“As many as owned lands or houses sold them and brought the proceeds of what was sold. They laid it at the apostles’ feet, and it was distributed to each as any had need” – Acts 4:34-35.

- 90 Typically, when a couple marry, they somehow pool their finances – often by opening a joint bank account. Such an action is not only convenient and practical but also symbolic. The pooling of finances (whether through a joint bank account or in some other way) communicates trust, openness, integration of lives and total coordination of plans. Conversely, were a spouse to open a separate account without their partner’s knowledge or to maintain an account of which the partner knows and is told nothing, when it is discovered, there is likely to be a crisis in the relationship: are they keeping a secret? planning to leave? being unfaithful? That is to say that ‘financial unity’ is a measure (imperfect, no doubt) of mutuality, interdependence, and openness.
- 91 The New Testament church expressed its unity in part *financially*. The sharing of possessions and pooling of money was a mark of the first Christian church gathered around the apostles in Jerusalem (Acts 2:44-45, 4:32-37). A little later,

¹⁰ Bray, *Anglican Canons*, xxix.

¹¹ See the FAOC paper, *To Proclaim Afresh: Declaration and Oaths for Church of England Ministers* (2022), ch. 2.

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St Paul's collection for the Judean church suffering famine in the late 40s and 50s AD was framed in terms of mutual responsibility (2 Corinthians 8:14-15, Romans 15:27) and *koinonia* (2 Corinthians 9:13), while financial support for his mission was likewise described as an expression of fellowship or partnership together in the gospel (Philippians 4:14).

- 92 Giving has always been an arena of Christian freedom. Even St Paul would not compel believers and churches to send monies: it must be a free gift, willingly and joyfully offered (2 Corinthians 8:8, 9:5, 7). It is seldom appropriate, therefore, to *enforce* 'financial unity' (the pooling of resources for the sake of relieving the poor and supporting mission), though the moral obligation to share in these ministries should be keenly felt by individuals and congregations (cf. Paul's argument in 2 Corinthians 8-9).
- 93 The pattern of local autonomy over church collections alongside (encouraged and expected) gifts for regional and central distribution that seems to characterise the New Testament churches in St Paul's circuit finds imperfect expression in the balance between parish churches' independent finances and the various ways in which the national church and the dioceses centrally fund ordinands' formation, certain initiatives in mission (in England and overseas), and support for church presence in poorer areas.
- 94 Financial unity is putting one's money where one's mouth is in terms of the professed sharing in one mission and ministry. It is consequent on that doxological, missional, and ecclesial unity mentioned above: its theological significance (alongside practical utility) is found within the context of those prior and deeper bonds.

Unity matters financially.

Conclusion

"I...beg you to lead a life worthy of the calling to which you have been called, with all humility and gentleness, with patience, bearing with one another in love, making every effort to maintain the unity of the Spirit in the bond of peace" – Ephesians 4:1-3.

"I ask not only on behalf of these, but also on behalf of those who will believe in me through their word, that they may all be one... The glory that you have given me I have given them, so that they may be one, as we are one, I in them and you in me, that they may become completely one" – John 17:20-23.

- 95 It is impossible, when answering the question, 'Why do we, as Christians, need to be concerned about unity?' to overstate the case. Our unity – 'completely one' – was the centre of Jesus' most sustained prayer for the Church on the night before his Passion and what St Paul begged the Ephesians to seek to maintain with their 'every effort.' As we have progressed through this paper, we have seen

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the theological importance of unity from fifteen perspectives, tracing our way from rooting the call to unity in the being of God himself, all the way down to the pattern of pooling monies to support the needy and sponsor mission.

- 96 We have seen that unity matters,
- i. *Theologically*, because there is one God
 - ii. *Anthropologically*, because there is one humanity
 - iii. *Soteriologically*, because there is one Saviour
 - iv. *Eschatologically*, because there is one hope
 - v. *Ecclesiologically*, because there is one Church
 - vi. *Doxologically*, because there is one faith
 - vii. *Missiologically*, because we bear one witness
 - viii. *Baptismally*, because we acknowledge one baptism
 - ix. *Eucharistically*, because we share one Bread
 - x. *Ministerially*, because we participate in one priesthood
 - xi. *Episcopally*, because we receive one oversight
 - xii. *Liturgically*, because we share one worship
 - xiii. *Synodically*, because we make decisions as one body
 - xiv. *Legally*, because we abide by one discipline
 - xv. *Financially*, because we share one purse.
- 97 Christ had good reason to put unity – alongside worship, truth, holiness, and evangelism – at the heart of his prayer for his Church’s calling and concern (John 17). Ultimately, unity is no mere means, but the end itself; not merely sentimental, but fundamental. That which tends towards unity tends towards Christian obedience and the *missio Dei*; that which tends towards division tends towards sin and the Church’s ruin.
- 98 Unity, however, cascades *down* that list. Unity is a fountain from our triune God, through our one humanity, and in our one Mediator and his one Body. It is not a ladder we can ascend from the bottom. Put another way, the way in which unity is *expressed* in the life of the Church or a church (perhaps items x-xv in the list above) flows from the unity that is *sourced* in God and the gospel (items i-ix). This means we cannot enforce or even assert unity at the lower rungs if the higher are absent or broken; and we cannot *derive* our unity from that which is theologically *derived from* our unity (i.e., we are not united *because we have one liturgy* (for instance), but we have one liturgy *because we are united*). Of course that is so: no ecumenical dialogue *begins* with seeking ministerial or synodical union; all know that those aspects of visible unity are contingent on unity being (re-)established higher up the chain. If therefore, there is a breach in unity at the level of *faith*, one cannot expect legal and financial unity to survive long without coercion – and a coerced unity, if not an oxymoron, is as much a failure of love as schism.¹²

¹² The order of the items listed above is only approximate, and certainly not neat (there are plenty of anomalies in church history). One must also note that the unity cascading from the top of the list does not necessarily have to reach all the way to the bottom. Some forms of unity (liturgical, synodical, legal, financial) are only necessary and appropriate within a ‘particular or national Church,’ which whose rites and customs and arrangements need not ‘be in all places one, or utterly like’ (Article

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- 99 The converse of why Christians should be concerned about promoting and preserving *unity* is why Christians should be concerned about avoiding *division*. Here too the apostles' teaching is direct and uncompromising. St Paul directed the Corinthians 'that there should be no divisions among you' (1 Corinthians 1:10); and both he (Romans 16:17, Titus 3:10), and the Lord's brother Jude (Jude 19) instructed believers to avoid divisive persons. Causing unnecessary division is sin (Galatians 5:20, 1 Timothy 6:4); and choosing to split the Church (or split *from* the Church) is the 'special sin' of schism: grave sin against charity (cf. Aquinas' *Summa Theologica*, II-II, 39.1).
- 100 Not all division, however, is schism; not all separation is sin. Indeed, the apostles also repeatedly instruct believers *to separate* from hypocrites, false teachers, and the impenitent immoral.¹³ (That is not to say, of course, that churches *remain* divided from one another only for those reasons; but to observe that the New Testament provides only those reasons by which the initial act of division could possibly be justified). According to a classically Protestant understanding (Article XIX), there is no particular church (not even Rome) nor ecclesial office-holder (not even the Pope) that is inviolably preserved from error. It is possible, then, that a given church could err so seriously in a matter of faith that separation therefrom could be justified. This, indeed, is precisely the apology John Jewel famously articulated for the Church of England in the sixteenth century (*Apologia ecclesiae Anglicanae*, 1562). Separation from the Roman Church was defended, Jewel argued, by the latter's grave doctrinal error and unwillingness to reform. If breaking off from the Roman Church was schism, the guilt for that sin belonged to Rome – for *schismaticus est qui separationem causat, non qui separate*.
- 101 As we move into the next section of this paper, in which questions of unity, disagreement, and differentiation begin to be applied to the current situation in the Church of England, it will be important to identify why and how our current disagreement over human sexuality threatens the unity of the church and why, for many, some form of internal division ('visible differentiation') is the lesser of two evils.

What kind of unity are we talking about?

- 102 As seen in the paper above, when we discuss unity theologically, one begins by considering unity at the level of the Godhead, mystical union with Christ, eschatological union in the new creation, and so on. In this second section, only the kinds of unity that are specifically relevant to the current debate and process are in view, with a particular brief to discern the kinds of unity that are under threat by our disagreements over sexuality, and what kinds of unity we can (and should)

XXXIV). A different register of unity *between churches* operates compared to that *within a particular or national church*. This distinguishes the Anglican (and, for that matter, Eastern Orthodox) understanding of the maximal unity of the Church (autocephaly) from the Roman Catholic (in which, in some way, all fifteen markers of unity pertain to the entire global Church).

¹³ Romans 16:17; 1 Corinthians 5:9-13; 2 Corinthians 6:14-18; Ephesians 5:6-7; 2 Thessalonians 3:6, 14-15; 1 Timothy 6:11; Titus 3:10; 2 John 10-11; Revelation 2:20.

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continue to pursue. Once again, the stated aims that background this whole seam of work are,

- a. Cultivating unity as far as possible
- b. Enabling as many as possible to stay within the Church of England, and
- c. Equipping the Church's mission to the nation.¹⁴

103 This paper is an attempt to interrogate what 'unity as far as possible' might mean theologically and ecclesiology at this juncture in the Church's life. It aims to resource, therefore, the Church of England's discussion, discernment, and decision-making pertaining to issues of ecclesiology, unity, disagreement and 'differentiation.'

Communion and Disagreement

104 *Communion and Disagreement* (GS Misc 1139, 2016; hereafter 'C&D') is the most relevant and recent FAOC document on issues of unity, disunity, and ecclesiology; and has often been referenced in recent discussions around LLF – both concerning identifying *what kind of disagreement* is being experienced in the Church on this issue and concerning the ecclesiological implications of the answer(s) given to that question.¹⁵

105 Outline of 'Elements of Communion and Types of Disagreement' in C&D, §43-§68

43. The WCC document, *The Church: Towards a Common Vision* (2013) outlines **five 'ecclesial elements' required for 'full communion'**. They are unity in,
 - i. the apostolic faith
 - ii. sacramental life
 - iii. an integrated and mutually recognised ministry
 - iv. conciliar structures and decision-making
 - v. witness and service in the world.
44. Unity of witness and service animates and is essential to the Church of England's parish system ('the Church of England remains committed to supporting a Christian presence in every community in England').
45. **Apostolic communion** (in the faith 'once for all entrusted to the saints', Jude 3; which is the faith that renders someone *in Christ*) is broken when 'participants cannot agree that they all share communion in Christ' because 'the views being expressed [by the other] are not compatible with continuing witness to the truth of the gospel as received with and from the apostles.' Where apostolic communion is broken, it is when issues of *heresy* are invoked and issues forth in calls to exclude people from a public teaching ministry.
46. For fifty years the ecumenical movement has been used to speaking of '**degrees**' of **communion**. 'Communion can be impaired by a lack of sharing regarding any of the five elements listed above' (§43). Within (global and English) Anglicanism, it is in (ii)

¹⁴ GS2346, preface to the '(Draft) Ten LLF Commitments for this quinquennium.'

¹⁵ *Communion and Disagreement* in turn builds upon a number of prior studies, particularly ARCIC II, *The Church as Communion* (1991); the Lambeth Commission on Communion (*The Windsor Report*) (2004); and *Communion, Conflict and Hope: The Kuala Lumpur Report of the Third Inter-Anglican Theological and Doctrinal Commission* (2008).

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sacramental life that impairment in communion ‘becomes concretely and painfully visible.’ But the category of apostolic communion gives us confidence that ‘there is *some* communion between us, however impaired – that we are able to recognise one another as being “in Christ” by our response together to the apostolic proclamation, and can therefore recognise our disagreement as taking place in the life of the church.’

47. **Ecclesial communion** presumes communion in sacraments and ministry. It is ‘the kind of communion that enables Christians to be members together of one particular church’ and churches to be in communion with one another. When this is impaired (at the level of elements (ii) *and* (iii) above), apostolic communion may yet be preserved, but church division, albeit without a charge of heresy, is a possible, likely, or inevitable result.
48. Both within the Anglican Communion and the Porvoo Communion, Anglicans have not tended to think that (iv) joint conciliar decision-making is essential for full ecclesial communion. Taking counsel together *is* important, and takes place through (*inter alia*) the Lambeth Conference – but none of these meetings are formal councils/synods of the church with legal authority – only the *moral* authority of fellowship and consent.
49. If churches deeply disagree on (v) witness and service in the world, they are likely to split; on the other hand, churches without communion in terms of (ii) sacraments, (iii) ministry, and (iv) conciliar structures have nonetheless been able to share very fruitfully in specific mission initiatives.
50. There may be considerable tensions *within* each of those five areas, but ‘life in communion requires some kind of common commitment to ways of acting and speaking with regard to these elements.’
51. Irenaeus defended the diversity of Easter observance in the early church.
52. Irenaeus on other issues, however, thought the apostolic faith was at stake and sought to exclude teachers who promoted error. Careful discernment is needed to distinguish between legitimate and intolerable diversity.
53. There are **three types of disagreement**:
 - i. That which calls into question agreement in the truth of the gospel – a threat to *apostolic communion*, communion with one another in Christ.
 - ii. That which calls into question our ability to sustain commitments to shared forms of practice regarding sacraments, ministry, decision-making, witness and service – a threat to *ecclesial communion*, without denying communion *in Christ*.
 - iii. That which raises issues within or strains one or more of the elements of communion but which can be addressed *within* a single ecclesial communion.
54. Debates about models of the atonement seem to be an example of the third level.
55. Disagreement about the atonement may dissipate or crystallise; but in the meantime, faithful people are able to disagree as members of the same church.
56. The atonement example shows how disagreements keep coming back to the interpretation of Scripture but presumes a degree of common faith and understanding: where disagreement concerns, e.g., the historical existence of Jesus, disagreement would be so wide as to cast doubt on whether it can be held within a relationship of receiving each other as being ‘in Christ.’
57. The boundaries between the three types of disagreement are fluid and may shift: e.g., Origen’s teaching was treated by the sixth century church as pertaining to (i) apostolic communion, but is now generally regarded as a third (iii) order disagreement.
58. Doctrine and practice cannot be neatly separated. In the twentieth century, it was the *actions* of the ‘German Christians’ (acquiescence with Hitler) and the Dutch

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- Reformed Church in South Africa (support for apartheid) that led other churches to terminate normal church relations with them, on the basis of an underlying theological divergence understood to threaten the essence of apostolic communion.
59. Different people will often take different views on what type of disagreement has arisen.
 60. A possible understanding of Galatians 2:11-14 is that Peter and Barnabas thought their adjusted practice was level-3 pluriformity, but for Paul it impinged on level-1 apostolic faith.
 61. A possible understanding of 1 Corinthians 8-10 is that meat sacrificed to idols was considered by some a level-1 question of false teaching, but Paul argued it was a level-3 question.
 62. Discernment of the type of disagreement is always difficult and provisional.
 63. Discernment of the type of disagreement may take a lot of time and effort – e.g. the church's response to the Arian controversy in the fourth century.
 64. Richard Hooker helps Anglicans distinguish what are *fundamentals* and what are *adiaphora*. It is easy to agree that we should agree on fundamentals, but hard to agree what the fundamentals are.
 65. After the Reformation, ecclesiology itself became an area over which Christians separated from each other at the level of ecclesial communion; ecclesial communion is divided in Western Christianity by differences over baptism, eucharist, ministry, and polity.
 66. The modern ecumenical movement has sought to sift historic disagreements to define where *agreement* resides in the five elements of communion (§43) and therefore identify steps to move towards fuller *degrees* of ecclesial communion.
 67. At the same time as the ecumenical movement has sought to help churches grow towards greater degrees of communion with each other, **communion within particular churches has come under strain**, particularly related to the roles of men and women, marriage and divorce, and same-sex relationships. The 'Five Guiding Principles' and House of Bishops' Declaration has involved the 'acceptance of significant impairment of communion so far as both the second element (communion "in sacramental life") and third element (communion "in a truly one and mutually recognised ministry")...are concerned.'
 68. The impaired communion within the Church of England subsists in the context of *maintained* communion in (i) apostolic faith, (iv) conciliar structures, and (v) common witness and service in the world. 'This is a remarkable adventure in how ecclesial communion can be sustained without agreement in belief and practice on something that has been considered to be of decisive importance for "full" communion. **The Church of England has sought to create a space between the second and third types of disagreement**...: a disagreement that really does have a bearing on our ability to be fully in communion as one church, and yet we have found a way to bear the impairment to communion that inevitably follows from it without ceasing to be one church.' The bonds of communion regarding (i) faith, (iv) conciliar structures, and (v) common witness and service 'are proving resilient enough to make this a living way of bearing the pain of disagreement without the resolutions either of making only one position acceptable or of ecclesial separation.'

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What kind of (dis)unity?

- 106 We can now seek to assess the current debate about unity, ecclesiology, and differentiation in terms of the categories outlined in C&D (themselves taken from the WCC report, *The Church: Towards a Common Vision*); that is, communion in,
- i. the Apostolic faith
 - ii. sacramental life
 - iii. an integrated and mutually recognised ministry
 - iv. conciliar structures and decision-making
 - v. witness and service in the world.

(ii) Sacramental life, and (iii) an integrated and mutually-recognised ministry

107 The first thing to note is that as the LLF process and debate has proceeded, those questions that have arisen about communion/unity have so far not directly concerned the same elements of communion impacted by the Church's decision to ordain women as priests and bishops while also making arrangements to provide for the traditionalist minority. That is to say, the decision of the House of Bishops to commend the PLF does not impinge *directly* upon (ii) sacramental life (at least if, as is assumed in WCC documents, the category of sacraments is restricted to baptism and the eucharist), and (iii) a mutually-recognised ministry. There is nothing about the blessings of same-sex unions or the marriage of priests to their same-sex partners that affects eucharistic assurance nor calls into question acceptance of the validity of holy orders. Refusing to receive communion from a priest in a same-sex marriage or from a bishop who has blessed a same-sex couple, for instance, while it would undoubtedly reflect an impairment in sacramental life, would be a consequence (in the mind of the person choosing not to receive) of broken communion at the level of apostolic faith and witness. It is *there* that the breach has occurred, rather than at the level of sacramental life specifically. Given this marked difference from the situation following 1992/2014, it would be premature to assume that the same arrangements for the traditionalist minority made then could be simply replicated in these new circumstances.

(v) Common witness and service, and (i) Apostolic faith

108 Disagreement over LLF instead concerns, for those opposed to steps taken and planned, the levels of (v) a common witness and service in the world, or even (i) mutual sharing in the apostolic faith.

109 Those who believe the Church's traditional teaching and discipline concerning relationships, sex, and marriage, have argued that the PLF already (let alone further developments that may be forthcoming) at best confuses and at worst fundamentally compromises the Church's proclamation of the necessity of repentance of (sexual) sin for salvation and its witness to the standards of holiness to which God calls his forgiven and being-sanctified people. While there could still be aspects of common service in the world despite this disagreement

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(for instance, in serving the poor and marginalised and seeking to safeguard creation), the profound difference regarding what we might call ‘the imperatives of the gospel’ makes meaningful common witness *qua* evangelism and discipleship, for opponents of the PLF, either undesirable (clear distance in witness is preferable) or even impossible (the objectives of evangelism and discipleship are not actually aligned).

110 A considerable subset of those who believe the PLF and other slated changes weaken unity in witness and service think it does so because at an even more fundamental level, the belief that God can be petitioned to bless same-sex unions is outside the bounds of apostolic faith altogether. The Scriptures and Tradition, they aver, are so clear and univocal in censuring same-sex sexual activity, that for someone to teach that the union of same-sex couples can be blessed in God’s name necessitates their first having disregarded the voice of Scripture, exchanged the true God for an idol of their own imagining, and/or held in contempt the ordering of God’s creation. In other words, blessing same-sex couples is indicative of error approaching the level of *heresy*; of denying fundamentals of the faith – key aspects of the doctrines of creation, Scripture, sin and salvation, the sacraments (for some) and perhaps more besides. The kind of Christianity that embraces change in its teaching and discipline around sexuality is, they aver, *not* a genuine and authentic expression of the apostolic faith at all. In these circumstances, broken communion is a spiritual reality, not merely an institutional decision; not only justifiable but mandatory.¹⁶

111 Of course, those bishops, clergy, and laity that support the PLF and further progress in the LLF process would see things very differently indeed: as (for instance) the further flowering of the seed of expanding grace and inclusion inherent precisely *in* the apostolic kerygma, and no threat to – but rather boon for – the church’s pluriform witness to and service of the world in the twenty-first century. This paper is not concerned with adjudicating between those arguments, but in helping the church identify *what kind of unity* and *what kind of disagreement* is at stake at this juncture in the church’s life. It is important, therefore, to be candid about where opponents of the PLF locate their disagreement in terms that strains and impairs communion: it is not directly and narrowly in sacramental or ministerial unity (with which the Church of England has some recent experience of dealing within one church), but in faith and witness.

(iv) Conciliar structures and decision-making

112 To complete comment on how unity in each of those five realms of communion is or may become impaired by disagreement over sexuality, let us consider finally (iv), conciliar structures and decision-making.

¹⁶ See section in previous section above on the biblical commands to separate from the impenitent immoral, heretical, and hypocritical (Romans 16:17; 1 Corinthians 5:9-13; 2 Corinthians 6:14-18; Ephesians 5:6-7; 2 Thessalonians 3:6, 14-15; 1 Timothy 6:11; Titus 3:10; 2 John 10-11; Revelation 2:20).

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- 113 In brief, disagreement over LLF has not brought about any formal impairment in unity pertaining to conciliar structures and decision-making. It might reasonably be observed that those structures have, however, been under considerable strain: each Group of Sessions of the General Synod since February 2023 has hosted a long, often rancorous debate on sexuality and the Church's response; and even when LLF is not the formal subject in view, it invariably lurks just under the surface (for instance, in elections to committees and appointments to commissions). There is *something* of a stalemate in the Synod over LLF: though it has four times been able to return slim majorities endorsing the direction of travel the House of Bishops has articulated, it has also once declined even to vote on the substantive motion; and is so finely balanced between opposing sides on this issue that agreeing further developments seems precarious. It is not inconceivable, though it still seems very unlikely, that there could be a complete breakdown in synodical process or decision-making. Nevertheless, conciliar structures are currently still functioning well enough, and there does not at present seem much appetite for establishing separate decision-making representative, legislative, bodies.
- 114 Most assume, therefore, that unity in conciliar structures and decision-making can and will survive our current deep disagreements. For many, that is not something to which they are merely reluctantly resigned, but a positive (if costly) ecclesiological principle. It is part of what it means to be a catholic Christian with responsibility to the whole Church to remain part of its life at a decision-making level, even when – *especially* when – one perceives the Church to be erring. What might seem like a stubborn and uncompromising minority from one perspective is, from another, preservative salt that impedes and delays the putrefaction of the whole (Matthew 5:13), or perhaps a 'holy remnant' that by its witness calls the Church back to the true faith it once professed. It would be easier, emotively at least, for the minority to withdraw from conciliar structures altogether and seek to establish their own. It is always tempting to want to be surrounded by the likeminded and insulated from disagreement and difference. But that would be, on the part of those who see themselves as the 'faithful remnant', a dereliction of responsibility for the spiritual health of the rest. There is a duty of love towards those with whom one differs – even very sharply and even over very serious matters – that means abstaining from or separating from joint conciliar decision-making would be selfish and shortsighted. Though on the face of it, therefore, communion at the level of 'conciliar structures and decision-making' may seem somewhat less 'spiritual' than communion at the levels of sacramental life, ministry, and witness, there is a theological, ecclesiological, and missional dynamic at work that makes sustaining (or breaking) unity at this level extremely significant, and which therefore inflects discussion around the other spheres of ecclesial unity.
- 115 The acrimonious debates within General Synod may betoken *strained* unity at the level of conciliar structures, but no official impairment currently exists, and none is widely desired. Should formal disunity at the level of conciliar structures eventually be sought or effected, it would be a consequence downstream of broken communion at the higher level of apostolic faith. Disagreement over LLF does not, in and of itself, impair communion at this level.

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What kind of disagreement?

116 Having analysed ‘what kind of (dis)unity’ is currently at stake with reference to the five ‘ecclesial elements’ delineated in the WCC paper and repeated in C&D, we can proceed now to analyse *what kind of disagreement* the Church of England is currently experiencing over this issue. There would be just as much merit in discerning *what kind of disagreement* we are having ahead of analysing *what kind of unity* is under threat (and/or what kind of unity we can and should seek yet to preserve): the two (disagreement and unity) are, of course, inextricably linked.

117 In §53 of C&D, three types of disagreement were delineated:

- i. that which threatens *apostolic communion*,
- ii. that which threatens *ecclesial communion*, and
- iii. that which strains elements of communion but which can be addressed *within* a single ecclesial structure.¹⁷

118 In this next section, arguments for locating the disagreement over LLF at each of these three levels are described and assessed.

Level 1 disagreement – apostolic communion

119 There is some ambiguity in C&D and where it is quoted about what the first level of disagreement exactly means. On the one hand, it is a level of disagreement that means the other cannot be recognised as being in Christ at all – that those who believe or teach such-and-such an error are apostate, with Christ ‘of no benefit to [them]’ (Galatians 5:2). This is how level 1 disagreement is *sometimes* described in C&D – for instance in its summary,¹⁸ or in the part of its description of disagreement that jeopardises apostolic communion as that in which ‘participants cannot agree that they all share communion in Christ’ (§45). On the other hand, the first level of disagreement also refers to the others’ *teaching* as being ‘not compatible with continuing witness to the truth of the gospel as received with and from the apostles’ (§45), a disagreement ‘that puts in question our agreement in the truth of the gospel’ (§53). This second description allows that those perceived to be in error may yet be true and sincere Christians, but that their belief or behaviour in a given area cannot be regarded as within the ambit of authentic, faithful, apostolic Christianity. The LLF book’s description reflects those two ways of characterising level 1 disagreement:

¹⁷ These three categories, albeit without the technical descriptors ‘apostolic communion’ and ‘ecclesial communion’, are referenced in the LLF book, p. 231. There, they are described as (i) ‘disagreements in which each group believes the other to be advocating something simply incompatible with the good news of Jesus’ – such that either the other ought not be ‘considered Christians in any meaningful sense’ or at least that ‘their teaching is not [recognisably Christian]’; (ii) disagreements that ‘undermine our ability to live and work together as one church’; and (iii) disagreements ‘that don’t prevent us working together as one church, even though we do think them wrong about something that matters.’

¹⁸ ‘The first, most severe type is one where there is concern that what is being proposed – or resistance to it – may jeopardise our very ability to recognize one another as being united with one another in communion through Christ’ (C&D, p. 3).

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120 First, there are disagreements in which each group believes the other to be advocating something simply incompatible with the good news of Jesus. They think that the other group is teaching something that amounts to a rejection of Jesus' call on one's life. Some will say that the people involved are no longer serious about living as Jesus' disciples, and that they cannot be considered Christians in any meaningful sense. Others will say that the people involved might still be Christians, but that their teaching is not – and perhaps that they are putting their own and others' eternal salvation at risk.¹⁹

121 It might be helpful, therefore, to observe that there are two sub-levels to a level 1 disagreement: in '1a,' the one perceived to be in error cannot be considered a Christian with whom spiritual communion is shared *at all*; in '1b' it is *the error itself* that cannot be considered within the ambit of apostolic Christianity, while the individual holding to it may nonetheless be a true disciple (albeit one in serious and dangerous error).

122 It is rare, though not unheard of, for clergy and laity in the Church of England or the wider Anglican Communion to claim the sexuality disagreement is a 'level 1a' disagreement. Few would presume to declare that any given specific person is outside of Christ because they believe error X or are unrepentant about sin Y (that is not something we are qualified or called to judge). It is, however, much more common to hear some characterise the disagreement in terms that resemble a 'level 1b' disagreement: to aver that the belief and teaching of those with whom they differ cannot be received as a legitimate expression of apostolic Christianity. So clear is the biblical witness, so univocal the Church's Tradition, so closely related the issues to those of Scriptural perspicuity and authority, the doctrines of sin and repentance, salvation and sanctification, that difference on this matter cannot be recognised as authentically one with the faith, teaching, and example of the apostles as received and lived out in the history of Christ's church. There simply is not the space within the 'faith once delivered to the saints' for such fundamental divergence in this area. The LLF book summarises the views of those who locate the disagreement at this register in terms of seeing the church's 'received teaching' about sexual intimacy as 'an integral part of Christian discipleship,' divergence from which is 'advocating a path that leads away from following Christ.'²⁰

123 Plainly, if this is the nature of the disagreement, then formal, permanent, distinct separation is the appropriate response (naturally, a breach at the level of apostolic communion necessarily precipitates a breach in ecclesial communion).²¹ If what is being preached and modelled by another part of the church really does amount to 'another gospel,' 'contrary to what [the apostles] proclaimed to you' (Galatians 1:8), then it is neither shrill nor unloving to seek to distance from it in

¹⁹ LLF book, p. 231.

²⁰ LLF book, p. 232.

²¹ For instance, in those instances where a bishop has been regarded by the people (and fellow bishops) as a heretic (i.e., a disagreement at the level of *apostolic communion*), he has been deposed and a replacement bishop elected (an *ecclesial communion* consequence). Cyprian of Carthage, that great champion of moniscopacy, even advised such action in the case of his contemporary bishops taken in by the Novatian heresy. Ecclesial communion is necessarily broken downstream of apostolic communion being broken.

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the strongest and clearest terms: separation is necessary in order to protect the integrity of the faith and for the sake of the spiritual health, even salvation, of souls.

124 There is, though less frequently articulated or observed, a version of locating the disagreement at this most fundamental level (at least, at level '1b') voiced by those who believe a development of doctrine and practice in this area is appropriate. So central to the Christian faith and moral vision is God's radical, generous, all-inclusive love; so all-embracing and lavish his grace; that a teaching that places (or at least is seen to place, or is heard as placing) certain people outside good standing in God's family simply over a matter of whom they love, is not a teaching that can be recognised as an authentic expression of the good news Jesus proclaims. That which renders some forms of faithful, loving, permanent relationships – especially between committed Christians – 'sin' is an unjustified and anachronistic imposition of societal homophobia onto the sacred text of Scripture that runs counter to the overall tenor of apostolic teaching around inclusion, justice, and equality for all God's image-bearers. A discriminatory message that institutionalises prejudice and causes real harm to spiritual and emotional wellbeing ought have no place in Christ's Church. Those who teach this message, in the words of the LLF book, 'cannot be recognised any longer as teachers of Christ's gospel.'²²

125 Once again, if the disagreement is located (for quite different reasons) at this highest level of apostolic communion, then the implications for responding to the disagreement are serious indeed: minimally, clergy should be instructed how to preach and pastor in this area and face disciplinary action if they fail to comply with that direction. If this is a matter of *in what the gospel consists* and a matter – even literally – of life and death (given the psychological harm some contend is attributable to certain expressions of the traditional ethic), then it is not illiberal intolerance, but the church's holy responsibility to proscribe that which causes God's people harm and so badly undermines the church's witness and credibility in the world.

Level 3 disagreement – within a single ecclesial structure

126 The majority of those who have been supportive of the introduction of the PLF and of the continuing LLF process, however, would most likely not claim that it is a first order issue, disagreements over which call into question apostolic communion. Instead, most prefer to locate the disagreement at the third level: that which does not call into question either participation in the same apostolic faith nor membership together in the same ecclesial structure. LLF, they observe, only concerns the contours of lower-order teaching, discipline, and discipleship, leaving the apostolic faith as defined in the ecumenical creeds and the basic Christian ethic of love for God and neighbour entirely unaffected. The disagreement we are experiencing over this matter therefore only introduces at best legitimate diversity

²² 'For others of us, a refusal to include LGBTI+ people in the life and ministry of a church because of their sexual activity is itself incompatible with the way of Jesus Christ. Those who not only persist in thinking this way themselves, but who are determined to perpetuate this exclusion in the authoritative actions of a church, cannot be recognized any longer as teachers of Christ's gospel. They have betrayed the bonds of love and put themselves out of Christ's company.' LLF book, p. 232.

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or at worst tolerable strain to the church's common witness.²³ It is a disagreement that can be lived-with and addressed within a single ecclesial structure without significant adjustment. This kind of disagreement might (regrettably, temporarily) impede relationships and qualify cooperation in mission in a number of informal ways, but need not imperil ecclesial, much less apostolic, communion.

127 As with those arguing it is a first order disagreement, there are different versions of the argument for locating the disagreement at this level; though if most of those arguing it is a first order issue want to preserve the current doctrine and discipline, most of those arguing it is a third order issue hope for change. One version of the argument for this being a third-level disagreement held by those who are wary of change in this area, however, accepts that what is being debated is not a doctrinal matter (or at least, not in what has been advanced so far and/or not a matter impinging upon core doctrines of the Christian faith) but predominantly a question of pastoral practice – and is therefore an area in which different approaches, relating to different circumstances, can be taken with integrity. Someone who locates this disagreement at level three may themselves decline to use the PLF because she/he is personally unconvinced of their appropriateness or necessity but would gladly and without any compunction signpost enquirers to others who would.

128 Being able to locate this disagreement at level three might not, it can be admitted, have been thought possible in previous generations that permitted a much narrower range of doctrinal and liturgical variance; but over the course of the last sixty years, there has been both a looser conception of clerical subscription, a widening range of liturgical options that can – but need not – be offered and used, and an increasing prominence given to the clergy person's freedom of conscience in doing or not doing something that his or her colleagues may choose to (over, for instance, the ordination of women and marriage after divorce). These three factors combined could be said to have considerably expanded the category of *adiaphora*: areas of belief and practice in which the church is content to live with difference.²⁴ A permissive (but not obligatory) innovation concerning same sex unions (both rites to mark and celebrate them, and for clergy to contract them) would be consonant with the way the church has increasingly learnt to live with disagreement over the last two generations.

Level 2 disagreement – ecclesial communion

129 An exploration of LLF as a second level disagreement has been reserved to last because it is the most difficult to articulate and assess.

²³ 'There are others of us who struggle to understand why this disagreement should be in any category other than the third. After all, learned and devout Christians have come to different conclusions. Bishops and archbishops have come to different conclusions.' LLF book, p. 233.

²⁴ On *adiaphora*, see The Lambeth Commission on Communion, *The Windsor Report* (2004), §§36-38, 87-96; N. T. Wright, 'Pastoral Theology for Perplexing Topics: Paul and *Adiaphora*,' in Andrew Atherstone and Andrew Goddard (eds.), *Good Disagreement?* (Oxford: Lion, 2015), and Loveday Alexander and Joshua Hordern, 'Communion, Disagreement and Conscience' and Christopher Cocksworth and Julie Gittoes, 'Richard Hooker on Scripture, Tradition and Reason: Responding to Disagreement,' in 'Supporting papers for the Faith and Order Commission Report, *Communion and Disagreement*' (2016).

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130 The second category of disagreement is that which pertains to ecclesial communion. C&D clarifies that ecclesial communion means ‘both the kind of communion that enables Christians to be members together of one particular church, and the kind of communion that enables particular churches to be “in communion” with one another’ (§47). Disagreement at this level means that while one cannot share the same ecclesial structure, one’s opponent need not be charged with error at the level of heresy nor their churches’ character as ‘true, apostolic churches’ be doubted. The disagreement concerns something significant enough that ecclesial separation is necessary, but not so serious that the position of the other is regarded as outside the bounds of apostolic orthodoxy and orthopraxy.

131 The areas of disagreement that can most straightforwardly be assigned to this category concern sacraments and ministry (ecclesial elements ii and iii), as C&D tacitly recognises.²⁵ These are the areas that historically have tended to define the bounds specifically of ecclesial communion: every church or denomination has to have a level of agreement about these matters for it to be able to live and function as one church, while disagreement with other churches/denominations over them remains a barrier to full visible unity. For instance, ecclesial communion requires some level of agreement about the mode and proper recipients of baptism, understandings of the Eucharist (with attendant liturgy and rubrics, including rules around presidency), church polity, and the theology of holy orders. One church cannot, for instance, easily *both* hold to the necessity of episcopal ordination and *not hold* to the necessity of episcopal ordination or both to the *validity* of and *invalidity* of infant baptism. These kinds of disagreements cannot be accommodated within one ecclesial structure, but do not call into question the place of the other in Christ nor deny that the beliefs and practices of the other can be recognised as a faithful expression of apostolic Christianity. When it comes to LLF, however, as we have seen above, the kinds of disagreement that most obviously belong to the category of that which imperils ecclesial communion – sacraments and ministry – are the very areas that are not directly impacted by LLF at all.

132 Given that this is so, the limit of the straightforward applicability to the current situation of the settlement negotiated in the 1990s and 2010s concerning the ordination of women to the priesthood and episcopate comes into sharper focus. Precisely because the unity being then threatened (from the perspective of traditionalists) pertained to sacramental life and an integrated ministry, the disagreement could be located straightforwardly, securely, and consensually

²⁵ C&D begins by describing ecclesial communion in terms of ‘sacraments and ministry, including episcopal ministry’ (§47) – ecclesial elements (ii) and (iii). In §48, it discusses whether disagreements over ecclesial element (iv) ‘structures of conciliar relations and decision making’ pertain to ‘ecclesial communion,’ but concludes (on the basis of the Anglican Communion and the Bonn and Porvoo agreements) that ‘Anglicans tend to think that full ecclesial communion does not depend on clear-cut agreement as to how to proceed on this point.’ When C&D considers whether a ‘depth of disagreement’ over ecclesial element (v), ‘witness and service in the world,’ could be a cause of impairment in ecclesial communion, it observes that ‘this [ecclesial separation] is most likely when other elements are also involved in the situation’ (§49) – which strongly implies that *on its own*, disagreement over a matter of common witness and service is unlikely to impair ecclesial communion. Of the four ecclesial elements, then, that *may* impair ecclesial communion, C&D only places (ii) sacraments and (iii) ministry unequivocally in this category.

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somewhere between the second level (ecclesial communion) and third level (intra-ecclesial communion) of discourse. It is the Church of England's attempt to negotiate and navigate a space between the second and third level of disagreement that C&D sees as a 'remarkable adventure,' both bold and novel (§68), in accepting degrees of impaired communion (a concept from ecumenical and Anglican Communion discussion) *within* one ecclesial structure, even at its highest level (i.e. in the House and College of Bishops). Since LLF does not impinge directly upon matters pertaining to the (dominical) sacraments or the theology of holy orders, however, it cannot so obviously and consensually be assigned to a level of disagreement between the second and third categories. The 'kind of disagreement' remains itself the subject of strong disagreement.

133 Though C&D is only unequivocal about issues concerning the sacraments and ministry belonging to the second category of disagreement, it does allow that deep disagreement over 'witness and service in the world' could be at least a contributing factor to impairment in ecclesial communion ('most likely when other elements are also involved', §49). For what reasons might disagreement over LLF be characterised as such a form of disagreement?

134 One argument avers that the sexuality debate affects *ecclesial* communion but not *apostolic* communion because the disagreement pertains precisely to the churchly role to form disciples in the life of holiness. The apostolic faith is shared in common with one's opponents, but when it comes to teaching what it means to live out that faith, it is not possible for one church to preach (and order its own discipline according to) two profoundly different standards (so *ecclesial communion* is thereby impaired).²⁶ The current acute anxiety many bishops, priests, and laity feel about the possibility sometimes mooted of the disapplication of discipline regarding clergy in same sex marriages illustrates that there is a strongly *ministerial* dimension to our current disagreement (ecclesial element (iii)) even if it is not narrowly a matter of recognition of the validity of holy orders (if it were, it would be equivalent to the Donatist error – cf. Article XXVI). This argument for locating the disagreement in the second category of that which threatens ecclesial communion on these grounds invites further thought. What is the basis for distinguishing a shared apostolic faith on the one hand from a church's teaching and discipline around discipleship on the other? Does such a distinction implicitly rely on restricting what pertains to the 'apostolic' (and therefore belonging to a level 1/1b disagreement) to certain propositional truths (perhaps strictly creedal beliefs) rather than being inclusive of certain ethical norms (an argument that would be difficult to defend biblically, historically, and theologically)? Does it entail being able to distinguish between doctrine (a level 1 matter) and teaching (at level 2) – a distinction that is itself debated? Does it require an additional rationale to justify why sexuality in particular impairs ecclesial

²⁶ This seems to be the argument behind the description of how sex and marriage might be a second order disagreement in the LLF book (p. 233): 'Still others of us see these disagreements as falling into the second category above. The issues are serious. We believe that those who disagree with us are seriously mistaken. And though we think that those mistakes don't amount to a rejection of the gospel, we believe that a church such as the Church of England needs to be consistent, and needs to be able to communicate its teaching on these matters clearly and coherently. We might therefore think that, if people continue to disagree about these matters, we won't for long be able to remain in a single ecclesial communion together, at least not without some significant differentiation within it.'

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communion in a way that few ethical issues have done?²⁷ Answers to these and similar questions may help future articulations of this argument gain greater clarity and cogency.

135 There is also a possible *sacramental* ground for locating this disagreement at the level of ecclesial communion. If holy matrimony is a sacrament of the Church (as in Roman Catholic dogma), then that which impinges upon it affects the second ecclesial element – sacramental life – and thereby can be said to threaten to impair ecclesial communion (not to mention ecumenical relationships). It does not have to be conceived as an ‘apostolic communion’ disagreement, but nor is it something – insofar as it pertains to the sacrament of marriage – capable of intra-church divergence. Indeed, regarding marriage as a sacrament actually opens up for some the possibility of a stable compromise: same-sex unions can be prayed for, celebrated, and blessed *provided that they are not understood to be nor represented as sacramental marriage* (which, as a sacrament, remains as received in the tradition and held in common with the Roman Catholic and Eastern Orthodox Churches). There are not many who are content with the arrangements we have arrived (it is too much change for some and too little for others), but there is a part of the church for which the new provision – together with its restrictions – is principled and appropriate. It is difficult, however, to imagine a consensus emerging around this theological space and thereby around locating the disagreement within this category on this basis. The Church of England does not officially – in its canons, liturgies, and formularies – regard marriage as a sacrament (though many of its priests and people do); those who believe marriage is a sacrament tend to regard the Church’s doctrine of marriage as a matter of apostolic fidelity; and there seem to be few voices arguing positively for sacramental marriage to remain sacrosanct while permitting blessings for ‘non-marriage’ same sex unions – not least for the pastoral difficulty that would attend such a belief in practice.

Evaluating what kind of disagreement

136 In seeking to evaluate what kind of disagreement the Church of England is currently experiencing over LLF, four observations may be made.

137 First, *there are advocates for locating our disagreement in all three categories* – there are those who believe matters pertaining to LLF is a disagreement that (i) imperils apostolic communion, (ii) imperils ecclesial communion, or (iii) is an aspect of legitimate diversity within one faith and one church. Whether or not the arguments for locating the disagreement at each level are equally coherent and persuasive, by way of observation it cannot be denied that people describe the disagreement in terms of each of the three categories.

²⁷ Both acquiescence with Hitler’s government on the part of the German Christians and with Apartheid on the part of the Dutch Reformed Church are given as examples in C&D of where *apostolic communion* (level 1) was at stake (§58). Examples of an ethical issue pertaining to ecclesial communion may include pacifism or how to relate to government control of churches in totalitarian regimes: differences here might not be framed as something that imperils apostolic communion but which does necessitate ecclesial separation.

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- 138 Second, while there are different versions of the argument for locating the disagreement within each of the three categories (there are, then, at least six competing accounts of what kind of disagreement we are having!), on the whole those who are broadly content with the PLF and its direction of travel tend to describe the ongoing disagreement in terms of the third category, while on the whole those who are unhappy with the developments so far and those that are expected in the future tend to describe their disagreement in terms of the first (typically '1b') or second category.
- 139 Third, it is a failure of Christian love for one side to declare what kind of disagreement is being experienced by the other. It must surely be the case that those who disagree with a given decision are themselves determinative of what kind of disagreement is in view, not the content majority. Those who dissent from the majority view or decision get to define the nature of their disagreement: if it is *widely* held that such-and-such a belief or practice calls into question apostolic communion or ecclesial communion, then the disagreement simply *is* a first- or second-order disagreement, regardless of whether the majority think it merely strains communion (third order). The word 'widely' in the previous sentence is important for two reasons. Firstly, because in the history of the church any number of questions that would be interpreted by the overwhelming majority as being a matter *adiaphora* or at most of secondary import have been absolutised by a few. In any intra-church debate on even something apparently trivial, one would expect to find a handful of outliers who allege that the other side has fatally compromised the faith (by implication at least) by their deviant belief and practice on the matter. Such issues would not, however, be *widely* perceived as an impediment to apostolic communion: those who so regard it would be, so to speak, 'more than three standard deviations from the norm' and therefore a decision-making body (such as the House of Bishops) could responsibly discount that category of disagreement despite a few wishing to locate the disagreement therein. Secondly, the word 'widely' does not imply *universally*: it accepts that there will be plenty, perhaps a majority, who would prefer to locate the level of disagreement elsewhere (in the third category). That the impression is *widely* held that the disagreement concerns communion at the level of apostolic faith implies at least that a *sizeable and diverse minority* share that interpretation. To deny that LLF is a first- or second-order disagreement simply on the basis that the majority *assert* that it is not (in spite of what the dissenting minority say) is unkind or even oppressive. Whether the PLF and related arrangements comprise something that Christians cannot agree to disagree on, as moved in an amendment to the substantive LLF motion in the February 2024 Synod, is a curious thing to decide by a vote. That 46% of Synod members voted in favour of that amendment demonstrates that *it is the case*, even though the amendment fell in all three houses! What kind of disagreement we are having cannot be discerned or determined by a vote. If there is to be any meaningful ongoing dialogue about what to do in the face of profound disagreement, it must proceed from the basis of acknowledging and accepting that, for a large proportion of those who disagree, the disagreement is of first- or second-order significance.
- 140 Fourth, our inability to come to an agreement not only about the substantive issue but about what kind of disagreement we are having helps explain why the debate has been so heated and progress at every stage so keenly contested. Not

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only are the two ‘sides’ on opposite sides of the substantive issue (human sexuality and marriage), but are also separated by a gulf concerning *what kind of disagreement it is*: those in favour of the PLF have sometimes been frustrated with those opposed not only because they disagree on the substance of the debate but also because they (themselves on the whole assuming it is a third order disagreement) cannot understand why those with a different perspective regard it as so very significant (such that it must require ecclesial separation); while those who are opposed to the PLF have likewise been frustrated with those in favour not only because they disagree on the substance but because they (themselves on the whole assuming it is a first or second order disagreement) cannot understand why others seem so casual and hurried about something so very serious.

So what?

- 141 We have already anticipated in the preceding sections some of the implications of our disagreement being located in each of the three categories.
- 142 If it is a disagreement at the level of apostolic faith and communion (level 1b), then the only theologically consistent approach we can take is one of full and formal separation: this is a fundamental disagreement that must issue in a split, leaving, or expulsion. Though for the majority on both sides, this is extremely uncomfortable to countenance, it must be admitted that it is a possible outcome – as examples in other churches, denominations, and provinces of the Anglican Communion reveal; and as a trickle (so far) of ministers’ and congregations’ departures from the Church of England likewise demonstrates.
- 143 If it is a disagreement at the level of ecclesial communion, the implications for our common life in the Church of England are also very serious. While an ‘apostolic communion’-level disagreement would entail broken communion at even an ‘ecumenical’ register,²⁸ disagreement pertaining to ecclesial communion is still defined as something that *cannot* be held within one church that shares one teaching, one ministry, and one discipline. Clear, legal, structural differentiation, therefore, would seem proportionate to locating the disagreement at the level of ecclesial communion.
- 144 Only if it is a disagreement that fits the third category of legitimate or at least tolerable diversity is there no need for any form of formal, ecclesial-level provision – though even here, the LLF book at least suggests that something temporary might be required to allow for and regulate different approaches to belief and practice.²⁹

²⁸ Some ministers and churches already give effect to their belief that this is an ‘apostolic communion’ disagreement not (yet) by leaving the Church of England, but by severing local ecumenical ties with other churches in their parish who conduct same sex weddings. For some, even an ecumenical relationship cannot be sustained because of this disagreement.

²⁹ ‘There are others of us who struggle to understand why this disagreement should be in any category other than the third... Is it not possible, we ask, for everyone to accept that it is going to take some time for truth to emerge in a definitive and compelling form, and that *in the meantime, while the debate continues, provision should be made for a variety of opinion and practice?*’ LLF book, p. 233. Emphasis added.

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145 How, then, can the Church of England move forward?

146 Proceeding now on the basis of our disagreement being in the first or second category, and therefore requiring some form of structural ecclesial separation would be lengthy, acrimonious, and expensive, would involve major legislation, would significantly destabilise the national institutions and functions of the church (including the selection process and TEIs), and may even precipitate a constitutional crisis around the nature of the Church of England's establishment. While these costs may yet be justifiable, it is both unsurprising and reasonable that there should be considerable reluctance to countenance policies that proceed on this basis. That in turn means that those who are certain both that this is a fundamental question of apostolic communion (level '1a') and that the Church of England will not act rightly over this apostolic matter will, regrettably, leave: both those who see the commending of the PLF as akin to apostasy, and those who have run out of patience with a church that will not close its pulpits to those who preach what they perceive to be baptised homophobia.

147 Some will argue that more time needs to be given for discernment, not only about the substantive issues but also about the ecclesiological implications attendant on what kind of disagreement we have had and are continuing to have. It is, however, possible – likely, even – that a consensus around either the substance or its implications may be many years off. Another period of delay and uncertainty without any resolution would be exhausting and deeply unsatisfactory for all.

148 Others will be tempted to 'split the difference' between those who see this as an apostolic or ecclesial communion issue and those who situate it in the third category and propose a compromise 'level 2.5' solution, similar to that which was successfully (though not without ongoing controversy and pain) negotiated regarding the consecration of women as bishops. Once again, however, we must observe how different is this issue to that. Since LLF does not narrowly and directly concern sacraments and holy orders, something that specifically addresses sacramental ministry and polity (as does a system of Provincial Episcopal Visitors) is, on the face of it, neither strictly required nor sufficient. That is not to say that the arrangements made under the terms of the House of Bishops' 2014 Declaration has nothing to teach us: there will undoubtedly be plenty to learn (both positive and negative) from a pattern of provision already instantiated and still maturing in the life of our church as this rather different problem is faced. Another important difference between the compromise achieved over the ordination of women as bishops and our current disagreement is that while the overwhelming majority of clergy and laity ten years' ago located the question of women's orders at either the second level of ecclesial communion or third-order diversity – and therefore could negotiate securely between the two – concerning LLF there is no shortage of people who see and describe it as an issue of fidelity to the very apostolic gospel, in a 'level 1b' category of significance. There is not (at least yet) a broad consensus around what the range of the level of the disagreement is and how it can therefore be addressed: all three kinds of

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disagreement (with three kinds of ecclesiological implications) are very much in play.

- 149 If a structural solution proportionate to this being a level 1 or 2 disagreement is not currently attainable, if delay for further discernment and the emergence of a consensus is not desirable, and if a *via media* compromise is not appropriate, are we altogether stuck? Or is there a way of proceeding that takes us forward without first definitively determining what kind of disagreement this is and therefore what kind of ecclesiological implications must follow?

Provisionality

- 150 The language of 'provisionality' may help. As the paper above has demonstrated, the theological significance and ethical importance of unity can scarcely be overstated. Unity was among Christ's priorities in prayer for the Church and one of the concerns central to the apostles' instruction, while attitudes and behaviours that bring division are named among the 'works of the flesh' that disqualify from God's eschatological kingdom (Galatians 5:19-21). In view of the strength and clarity of the preeminent calling to 'maintain the unity of the Spirit in the bond of peace' (Ephesians 4:3), Christians should be extremely slow and reluctant to divide the church absolutely and permanently – *even when* it seems that a fundamental aspect of the apostolic faith is at stake. The space opened up by that slowness and reluctance, in addition to the epistemological humility that comes from acknowledging not only that individual believers 'see through a glass, darkly' (1 Corinthians 13:12) but also that even the church and its councils may err (Articles XIX, XXI), could perhaps be comprehended by the concept of 'provisionality.' Provisionality in this context means acknowledging that what we propose to do may be mistaken, may be insufficient, may be unnecessary, may be unstable, may be temporary. It is not 'The Answer' that is being put forward but a mode of testing and discerning that neither stands still nor claims to have finally arrived. Provisionality may be appropriate language for the ongoing process concerning the PLF, proposed changes in clergy discipline, or the wider exploration of doctrine and teaching around marriage and relationships – but in the area of what has been called 'pastoral reassurance,' provisionality means putting arrangements in place that are modest, scale-up-able, and reversible (though also sufficiently secure for confidence). It means acknowledging that those arrangements will be ecclesiological anomalies: after all, if this *is* a question of apostolic or ecclesial communion, nothing short of clear, permanent, structural separation makes sense; while if this is a question of third-level disagreement (such as experienced over different models of the atonement – the example provided in C&D), no formal arrangements for differentiation would be proportionate and appropriate in the long term. A bearable ecclesiological anomaly may be a price worth paying for attempting to preserve the highest possible degree of communion for as many as possible for as long as possible.
- 151 This language of provisionality coheres with the theological rationale for where we have reached with the commendation of the *Prayers of Love and Faith*; namely 'pastoral provision *in a time of uncertainty*.' While 'pastoral provision' underlines the logic for commending a suite of prayers that subtly and carefully affirm the goods within committed, faithful, same sex relationships and seek God's

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blessing upon them without impinging (it is intended and asserted) on the church's doctrine of marriage; it is the 'time of uncertainty' that pertains to provisionality and, in turn, commends a logic for an ecclesiological, perhaps temporary, compromise. 'Provisionality' may be preferable to 'time of uncertainty,' not least for its positive rather than negative framing, but also because it betokens appropriate humility and tentativeness *while nonetheless making progress*. Something is *being done* – but that something is *provisional*.

152 Provisionality may be appropriate also because we do not yet know where the church is headed in the medium and long term. There are three ways in which the 'time of uncertainty' in which we find ourselves could be resolved. It could be resolved by substantive, consensual agreement – either the agreement that the Church should unequivocally bless committed, faithful, same sex unions; or the agreement that the Church cannot proceed to do so. Uncertainty, after a time of discernment and debate, could give way to a considerable degree of certainty; provisionality could submit to a new decided permanence. Second, the 'uncertainty' could be resolved by widespread agreement not on the substantive matter, but on its being something that need not divide the church at a structural level – that it is indeed a matter *adiaphora* for which conscience clause opt-outs, a protected freedom for preaching, and a code of practice is sufficient. Conversely, the third way the 'uncertainty' could be resolved is by widespread agreement that despite the best of intentions and sincerest of attempts, it is not possible in the long run to bear with this deep disagreement within one undifferentiated ecclesial structure. In both the second and third ways in which the church's 'time of uncertainty' may eventually dissipate, whatever has been justified in the interim by the principle of provisionality could yield to a new arrangement in which either a level-3 or level-1/2 (respectively) solution is found that has greater ecclesiological coherence and endurance.

153 Something akin to provisionality has also been central to how the Church of England has approached the question of the ordination of women alongside provision for the minority. The language of 'reception' employed in the 1990s gave way in the 2014 Declaration to a similar idea expressed in different terms in the third Guiding Principle: 'the Church of England acknowledges that its own clear decision on ministry and gender is *set within a broader process of discernment* within the Anglican Communion and the whole Church of God' (emphasis added). The fifth Guiding Principle moreover provided that 'pastoral and sacramental provision for the minority within the Church of England will be made *without specifying a limit of time* and in a way that maintains the highest possible degree of communion' (emphasis added). In some sense (though, given the first and second Guiding Principles, it has never been clear in *what* sense – and this internal tension/ambiguity continues to cause some consternation), both the decision of the Church of England to ordain women as bishops *and* the decision to provide for traditionalists are presented as *provisional*: both the third and fifth Guiding Principles implicitly provide for the possibility that in the future either the whole Church of God (specifically those sharing the historic episcopate) will come to a common mind on the matter, and/or that pastoral and sacramental provision for traditionalists will no longer be necessary or appropriate. Different people will have different views about whether, how, and when either of these contingencies

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may come about (the provisionality is indefinite and may last a long time yet), and it is not within the scope of this paper to speculate on what then may happen to the current arrangements in the Church of England. The salient point is that the preeminent responsibility to *preserve unity* plus the rationale of *provisionality* (albeit using different vocabulary), has already been used to justify an approach and settlement that is, strictly speaking, ecclesiologicaly anomalous.

154 In papers leading up to the settlement over the ordination of women as bishops, it was openly admitted that what was being proposed had less ecclesiological coherence than more consistent (and stark) alternatives (cf. GS1605 (2006), §§23-24, 24, 38; and GS1685 (2008), §§24, 61, 137). It was acknowledged then that either a single clause measure enabling women to be nominated and consecrated bishop *without* making secure provision for traditionalists, or not proceeding at all with opening the episcopate to women, would produce an ecclesiologicaly more coherent outcome than any kind of settlement that sought *both* to enable women to be consecrated bishop *and* traditionalists to continue to operate and flourish at all levels within the Church of England (including within the College and House of Bishops). Introducing impaired communion (impairment on a eucharistic and ministerial plane) into the episcopate would undermine, to a degree at least, episcopal collegiality and thereby compromise a basic tenet of Anglican (catholic) ecclesiology. Similarly, parishes' ability to petition for and receive extended episcopal oversight at least qualifies the historic understanding of moniscopacy and the identity of the geographical diocese. These ecclesiological anomalies could only be avoided, however, either by not admitting women into episcopal orders or by *de facto* expelling traditionalists – and both of those alternatives were considered intolerable by majorities in the House of Bishops and Synod as a whole. A measure of ecclesiological consistency was sacrificed for the sake of preserving as high a degree of communion as possible in other ways (of baptism, of faith, of conciliar structures, of mission). Arguments against the 2014 settlement often still major precisely on the ecclesiological incongruity the measure and Declaration created (or consolidated), with those on opposite sides of the debate coming to opposite conclusions about what should have then happened (or what should happen now). By no means has that arrangement been without its problems or its critics; and it continues to be the source of some considerable pain and confusion – on all sides. Living with that pain and a measure of ecclesiological inconsistency has so far been considered worth it for the sake of unity in faith, conciliarity, and witness; and preferable (for many) to the greater pain of permanent and complete separation.

155 Could the importance of maintaining unity and the rationale of provisionality in the context of our current disagreement once again justify an ecclesiologicaly anomalous situation? For reasons adduced more than once above, the disagreement over LLF presents a different kind of challenge to that faced over forging a settlement concerning the ordination of women as bishops. And yet there is similarity in terms of our being faced with stark alternatives that have the advantage of theological clarity and ecclesiological consistency, but which are either practically unworkable, politically unachievable, or pastorally unacceptable. It is possible, therefore, that despite no agreement around what kind of disagreement we are experiencing and despite our not being able to locate this

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issue securely and consensually between the second and third category (as eventually proved possible over the ordination of women as bishops), arrangements resembling a 'level 2.5' response (as was negotiated in 2014) might yet be the best way (or 'least worst' way) to move forward. Such provision (at the level of a somehow-differentiated episcopate, ministry, and witness) would aim to give those who are convinced that this is an issue pertaining to apostolic or ecclesial communion *enough* distance for the sake of their conscience and distinctive witness, while not relinquishing other signs and structures of ecclesial communion that those convinced it is a level-three disagreement are anxious to preserve (accepting, of course, that people on all sides desire unity but differ concerning the terms on which that unity can be preserved).

156 A solution at this level answers to provisionality: it would be reversible if, in a generation's time, a new consensus is able to emerge and whatever ecclesial provision now put in place could be then – gladly – dismantled. An answer corresponding to 'level 2.5' could actually be advanced on the basis of our acknowledging that, for the time being, we are not sufficiently of one mind as to whether it is a first, second, or third order issue, and therefore seek to provide a second-to-third order arrangement as a temporary (but of unspecified duration) and compromise expediency while the Church (including the entire church catholic) continues to discern what kind of unity/disunity difference on these issues can bear or imperils. In other words, a second-to-third order ecclesial arrangement is made *not* because it has been determined to be a second-to-third order disagreement, but because it *might prove to be* first, second, or third order, and a 'level 2.5' arrangement keeps all possibilities open for the time being. It recognises, respects, and takes seriously the fact that for a sizeable minority, this is a first category matter of apostolic communion or second category matter of ecclesial communion, but refuses to give up on the hope that this disagreement may yet prove *not* to be something worth formally separating over at an ecclesial level.

157 To put it at its most simple:

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<i>If it is a...</i>	<i>then it affects...</i>	<i>which may mean...</i>
1st order disagreement	Apostolic communion: <i>ability to recognise the other as in Christ (1a) or to recognise the other's teaching as being within the bounds of apostolic faith and life (1b)</i>	Schism, leaving, expulsion/withdrawing of licenses
2nd order disagreement	Ecclesial communion: <i>ability to live together in one church</i>	Separate structures (separate doctrine, discipline, ministry, sacramental life); relating to one another on an 'ecumenical' plane
2.5 order disagreement	Intra-ecclesial communion: <i>degrees of communion within one church</i>	A degree of impaired communion within episcopate and priesthood. Separate sacramental and pastoral space within the church.
3rd order disagreement	<i>Ability to cooperate fully in some aspects of mission and ministry</i>	Pastoral guidance, conscience clauses, and code of practice sufficient to manage ongoing disagreement.
to which we might add,		
1st/2nd/3rd order disagreement treated as 2.5 order disagreement for the time being	Apostolic communion or ecclesial communion or quality of intra-church relationships	Provisional, reversable arrangements that refuse to give up on key elements of ecclesial unity but which give sufficient space and time for discernment about what is necessary/possible

158 The logic of provisionality to justify an ecclesiological anomaly settlement has one further advantage. It takes into account that we have most likely not reached the end of the LLF journey. If progress were to be halted *now* – with *Prayers of Love and Faith* commended for use, at a minister's discretion, as part of a regular act of worship; with clergy permitted for the ordering of their family life only singleness, heterosexual marriage, or civil-partnerships (with assurances, albeit often not actually sought, of celibacy); and with the traditional doctrine of marriage and teaching about sexual intimacy officially retained and restated – then relatively little 'pastoral reassurance' may be required in the long run. Three changes, however, would in the minds of some necessitate far more robust and visible forms of separation. Those three developments would be (in increasing orders of magnitude of strained unity they would precipitate): (a) allowing standalone services that may therefore resemble services of holy matrimony, (b) permitting clergy to marry their same sex partner, and (c) introducing a second doctrine of marriage alongside the extant statement in B30 or amending the one doctrine of marriage to be inclusive of any two persons. None of these developments might happen; they *all* might eventually happen. The logic of provisionality recognises this reality. Something could be proposed and enacted

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now not because it makes perfect ecclesiological sense, but because the Church of England needs to find a way to move forward for the time being that both recognises the depth of disagreement and does not give up the hope that the disagreement will sufficiently dissipate to allow the Church to remain in 'the highest possible degree of communion' within one ecclesial fellowship.

Provisionality means that should those further developments occur, greater levels of disunity may come about and more pronounced forms of 'differentiation' may be (by some) required; should they not, whatever is put in place can fall into disuse as no longer necessary or proportionate.

159 As this paper concludes, it is worth returning to some of the themes of its first half. The reason for considering what kind of threat to church unity is presented by ongoing difference and division over matters related to relationships, sex, and marriage is because we all recognise how important and how precious is our unity and how jealously we want to guard it. The questions and process around LLF would be much easier and much simpler if we cared much less about being and staying united. If we could simply acquiesce with different churches, ministers, and people each deciding what to believe, teach, and do and acting thereupon with complete freedom and autonomy, there would be no need for rancorous debate, difficult negotiation, and painful compromise. It would, however, resemble the situation at the nadir of the history of God's people: 'in those days there was no king in Israel; all the people did what was right in their own eyes' (Judges 17:6, 18:1, 19:1, 21:25). As soon as we acknowledge that we do in fact have one King – the Lord Jesus – and desire to be constituted one people under him (lived out in as full a sense and as many ways as possible), we also acknowledge that that means we cannot simply do 'what is right in our own eyes' without reference to other believers, churches, priests and bishops. In a way, therefore, the frustration and pain that is keenly felt on all sides and at all levels of the church over human sexuality in the context of deep disagreement is testimony to the appropriately high premium we have placed on our ecclesial unity. Continued reluctance, both to move forward in the LLF process and to instantiating arrangements for 'pastoral reassurance', is actually a sign of our stubborn *love* for one another and our commitment to preserve and prosper our unity. As a review of our church's history amply demonstrates (some notes on which are appended below), LLF is not the first time the unity of the church has seemed to be gravely threatened – and it will surely not be the last time, either. In fact, as the New Testament shows and as Jesus and the apostles taught us to expect, there will always be actual and potential divisions in the visible church. The need to 'make every effort to maintain the unity of the Spirit in the bond of peace' (Ephesians 4:3) is a perpetual need and instruction. There has always been and will always be a gap between what is spiritually true ('there is one body and one Spirit...one hope of your calling, one Lord, one faith, one baptism, one God and Father of all' – Ephesians 4:4-6) and what is temporally true ('when you come together as a church, I hear that there are divisions among you' – 1 Corinthians 11:18). Even as we seek to keep that gap as narrow as possible (indeed, seek to close it), we know that the perfect unity for which we long will only come about at the eschaton; when there will be – and seen to be, and experienced as being – 'one flock, one shepherd' (John 10:16), when God will be 'all in all' (1 Corinthians 15:28). That vision alone, rather than any kind of temporary or permanent purported solution to our current

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impasse, is what ought to sustain us and encourage us as we try to discern how to respond to and live with our present disagreement.

APPENDIX: Unity and disagreement in the history of the Church of England

Unity and disagreement in the history of the Church of England

Introduction

160 Questions and crises of unity and disagreement have been handled in our church's history in a variety of ways. While permitting (even celebrating) very considerable theological and liturgical diversity within broad bounds of orthodoxy, orthopraxy, and legality could reasonably be said increasingly (though unevenly and not without controversy) to characterise the Church of England from the mid-twentieth century to today,³⁰ the story before that is much more ambivalent and contested. In sum, there is no one 'Anglican way' to deal with questions of unity and disagreement to which appeal could consistently be made to help us deal with our present situation. To put it another way, our history and heritage supply ample material for those who might wish to argue that enforced uniformity (in doctrine, in discipline of the clergy and laity, in liturgy) is the most authentically Anglican approach to apply to the current disagreement; but also grounds for those who claim that making considerable allowance for divergent conscience and conviction is more consonant with our church's tradition. The church's history therefore risks becoming a wax nose, moulded to suit the argument of any given polemicist.

161 Even agreeing on the interpretation of our history as *history*, let alone what lessons it might have for us today, would be beyond the ability of a FAOC working group. There may yet, however, be aspects of our church's history that could meaningfully illuminate discernment about decisions the church might take pertaining to doctrine, discipline, liturgy, and models of 'pastoral reassurance.' The following notes are provided only as a resource to help facilitate discussion about whether, how, and to what extent our church's history provides any precedent, 'cautionary tales,' or patterns that could be useful or relevant in some way today. It is intended to be descriptive rather than prescriptive, and is of course only impressionistic rather than detailed and scholarly. It has not been subject to detailed academic scrutiny, may therefore contain inaccuracies, anachronism, and outdated historiographical assumptions. It is published here not because we are commending it as a guide to church history, but because the House of Bishops asked for some notes on how the Church of England had dealt with theological difference and division in the past, and the following was the best that could be prepared in short order to offer some illustrative examples by way of answer.

162 The material presented below is grouped into three ways in which the Church of England has dealt with unity and disagreement over the last five centuries. They are,

³⁰ Even then, the debate over women's ordination in the 1980s-90s (and some would say, well beyond) was often bitter and factional.

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- d. Conformity
- e. Latitude
- f. Conscience

To these is added a fourth section concerning,

- g. The Anglican Communion and ecumenism.

Conformity

163 One feature of the Church of England's history of dealing with disagreement has been the enforcing of conformity and uniformity. Here, the difference in context between our church's history and our own times is at its most marked and significant, and any parallels to or lessons for the present correspondingly the least secure. While there is undoubtedly a measure of theological principle behind the impulse for conformity/uniformity, it is impossible, certainly up to the Toleration Act of 1689 and to a lesser but still significant extent, up to Catholic emancipation in the 1820s and 30s, to disentangle the church's reasons for requiring conformity from the state's. 'Unity and disagreement in the Church of England' was a matter of life and death, national security and foreign sedition in the sixteenth and seventeenth centuries (and a matter of questions of civil liberty and political establishment for at least another two centuries after that). However serious our current disagreement over sexuality, it is not going to bring down the government or precipitate a war. As the place of the Church of England in society has changed, so has both its need or appetite for conformity and the powers by which it can enforce it. The apparatus of enforcing conformity and unity in past centuries are no longer at the church's disposal.

Conformity in liturgy and order

164 The Book of Common Prayer, from 1549 onwards, replaced a plethora of medieval uses with a single authorised liturgy for the whole of the English church. After Toleration, certain other churches were permitted to celebrate their own rites, but the Prayer Book (revised in 1552, 1559, and finally 1662) remained the only legal liturgy in the Church of England until either 1928 or 1966, depending on one's view of the contested legality of the Deposited Prayer Book.

165 Enforced conformity in worship extended not only to the form of words, but also to matters of dress (cf. the Vestinarian Controversy, 1566) and ritual, with the discipline of uniformity over the latter beginning to break down from the middle of the nineteenth century. Notably, the notion of *adiaphora* was used in the late-sixteenth century context of debates about (*inter alia*) vesture, the sign of the cross in baptism, and the ring in marriage, as a rationale for *requiring clergy to conform* rather than to permit diversity in practice or excuse certain priests' non-compliance.

166 The Church of England was unable and/or unwilling to adapt to meet the missional needs and opportunities of the second half of the seventeenth century

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as the Evangelical Revival took hold. The open-air, itinerant preaching of John Wesley and George Whitefield, the funding (by Selena Countess of Huntingdon) of some 200 chapels, the formation of a network of local 'societies' for bible study and prayer, and the training and deployment of unlicensed lay preachers were among the features of the Revival that the church could or would not accommodate, with the result that much of the movement ended up separating from the Church of England (the Countess of Huntingdon's Connexion, 1779; and the Methodist Church, 1795).

167 The late-nineteenth century controversy over the conduct of ritualists (*ad orientem* presidency, candles, priestly vestments, reservation of the Sacrament, and use of incense) could not be contained within the church alone. The Public Worship Regulation Act of 1874 enabled the successful prosecution and imprisonment of five ritualist priests, whose judicial 'martyrdom' helped turn the tide of public opinion in their favour. The Church of England attempted to continue a policy of liturgical uniformity (albeit *practice* concerning gesture, vesture and other 'ornaments' was now increasingly diverse) by revising the Prayer Book (1927-28) to reflect a new compromise that accommodated, to an extent, Anglo-Catholic sensitivities and practices. Though adopted by the Convocations, it was rejected twice by the House of Commons, with the result that it was 'deposited' without a clear status, being permitted by many bishops but officially illegal.

Conformity in doctrine

168 The Articles of Religion (1563, Latin; 1571, English) settled the Church of England upon a moderate Reformed doctrine. Subscription to the Articles and the Prayer Book has taken various forms (see below). Among those times when it has been more narrowly and rigidly required are,

- h. The 1604 *ex animo* oath, which saw more than a hundred Puritan ministers deposed or exiled.
- i. The 1660 Act for Settling Ministers and 1662 Act of Uniformity, which between them deposed those clergy who did not believe in the propriety of infant baptism, those who would not submit to episcopal (re-)ordination, and those who could not assent without reserve to the doctrine and worship of the Prayer Book, precipitated the 'Great Ejection' of around a fifth of all ministers (c. 2000).

Latitude

Latitude in doctrine

169 Though at the time a political expediency given the precariousness of her power, Elizabeth I's determination not to 'seek a window into men's souls' provided that her subjects outwardly conformed, gave the reformed Church of England the distinctive quality of being able to comprehend a range of private beliefs, even on the part of its ministers. Relatively speaking, the Articles of Religion are more irenic and less narrow and precise, and the quality of assent thereto less uncompromising, than equivalents among the sixteenth-century continental Reformed churches. There was also, again speaking relatively only, some space for diversity in preaching and teaching tolerated in the Elizabethan

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church (Walter Travers and Thomas Cartwright, for instance, were able to preach Presbyterianism largely untroubled). Even if politically rather than theologically occasioned, the tradition of diversity of theological conviction, including on the part of priests and bishops, within the Church of England can fairly be said to go back to the period of the historic formularies.

170 Again, in contrast to more tightly confessional churches formed in the Reformation (and Catholic Reformation), the Church of England has throughout its history encompassed quite distinct and divergent theological traditions – including among its priests and bishops. This divergence, however, has at times brought very significant tensions:

- j. The ‘high-church’ innovations and Arminian convictions of Archbishop William Laud, in the context of a moderate Calvinist consensus – alongside his refusal (unlike his predecessor) to permit certain omissions and additions to the Prayer Book liturgy and his suppression of Puritan ‘lecturers’ and sermons touching predestination – contributed considerably to the descent towards civil war in the 1630s and 40s.
- k. The Oxford Movement generated a lot of controversy in the mid-nineteenth century with its characteristically catholic interpretation of the nature of the church and authority within it. John Henry Newman’s attempt to interpret the Articles in a catholic sense in Tract XC in 1841, Newman’s conversion (a few months after that of W. G. Ward) to Roman Catholicism in 1845, and the Gorham Judgment in 1851 were particular flashpoints at which the limits of acceptable doctrinal diversity within the Church of England (and of clerics’ conscience) were tested.
- l. A liberal tradition within the Church of England first emerged in the late nineteenth-century (a reasonable *terminus a quem* would be the publication, in 1860, of *Essays and Reviews*). In the last hundred and fifty years, liberal theology has generally been accorded a great deal of freedom in the academy and church; but there have been times of considerable controversy.³¹ Despite these controversies, bishops have very rarely attempted to regulate their priests’ teaching ministry directly; even a 1986 House of Bishops report (written after the furore generated by David Jenkins’ elevation to the See of Durham), which decreed that a bishop is obliged ‘not only to refrain himself from statements contrary to the doctrine of the Church of England but also to use all his efforts against such statements, whether made by those under his authority or by others,’³² went on to argue that a bishop would have discharged his canonical duty in this respect by his oversight of theological education and by enabling ‘reflection on questionings and speculations’ on the contested matters. The

³¹ Notable moments of controversy associated with C20th liberal theology in the Church of England include the Modern Churchmen’s Union conference in 1921 at which some speakers appeared to deny Christ’s divinity (which prompted the calling of an Archbishops’ Commission on Christian Doctrine, whose 1938 report, *Doctrine in the Church of England* attempted to delineate the acceptable limits of theological diversity), the publication of Bishop John Robinson’s *Honest to God* in 1963, and the non-realist ‘Sea of Faith’ movement beginning with a 1984 book and TV series of that name by Cambridge-based Anglican priest Don Cupitt.

³² *The Nature of Christian Belief* (1986).

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Ecclesiastical Jurisdiction Measure (1963) is the legal vehicle for disciplining clergy on matters of doctrine, ritual, or ceremonial – but it has been barely used for these purposes in the last sixty years.³³ The upshot of this is that Church of England clergy can more-or-less preach and publish whatever they like with impunity. This freedom has considerable benefits in enabling innovative theologising, fresh approaches to new and old questions, and a church free to engage creatively with secular discourse and with other religions. It also, however, undermines the sense of doctrinal unity and discipline that some might expect or want to find in a church.

171 Though formal subscription, in some sense, to the Articles of Religion and the doctrine of the Prayer Book has been required of ministers since the 1570s, there has been a trajectory towards latitude in terms of the form that subscription takes and the interpretation thereof over the last hundred and fifty years.

- m. The 1604 canons required clergy to affirm ‘willingly and *ex animo*’ that the Articles were ‘agreeable to the Word of God;’ but by the terms of the 1865 Clerical Subscription Act, clergy had only to ‘assent’ to the Articles, Prayer Book, and Ordinal, and profess that they ‘believe the doctrine of the Church of England as therein set forth to be agreeable to the Word of God’ (which is rather less than swearing it is certainly and exclusively true in every respect).
- n. The Doctrine Commission in its 1968 publication *Subscription and Assent to the Thirty-Nine Articles* recommended a new approach to subscription that kept the formularies as a norm, but also put them into the context of the Bible and creeds and did not tie ministers down to accept specifically each one of the Articles.
- o. Accordingly, clergy are obliged in the revised Declaration of Assent to ‘declare [their] belief in the faith which is revealed in the Holy Scriptures and set forth in the catholic creeds and *to which the historic formularies of the Church of England bear witness,*’ and required to affirm their ‘loyalty to this inheritance of faith as [their] *inspiration and guidance* under God in bringing the grace and truth of Christ to this generation and making Him known to those in [their] care’ (emphasis added). This form of words privileges the Thirty Nine Articles, Book of Common Prayer, and Ordinal as the doctrinal norm, but enables very considerable scope in interpretation of what are the terms of the cleric’s assent thereto – is it *ex animo* adherence to every doctrinal statement, acceptability of their main thrust, preference for them over any other confession, or mere recognition that they constitute the Church of England’s historic doctrinal centre? Doubtless, different clergy making the Declaration will interpret it in these four (and perhaps more) different ways. For more on the history and meaning of the Declaration of Assent, see FAOC’s *To Proclaim Afresh: Declaration and Oaths for Church of England Ministers* (2022).

³³ See Neil Patterson, *Ecclesiastical Law, Clergy and Laity: A History of Legal Discipline and the Anglican Church* (2019), ch. 6.

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Latitude in liturgy

- 172 From the Elizabethan Settlement onwards, it is probably fair to say that liturgical unity has been a hallmark of the Church of England. The Book of Common Prayer, replacing the various ‘uses’ extant in medieval England, united the church in faith and worship. Conformity and uniformity in liturgy has been more prominent in our church’s history even than doctrinal subscription.
- 173 After the Ritualist controversy and Prayer Book Crisis (see above), however, the Church of England has learnt to give up the project of replacing its one normative liturgy (the 1662 *Book of Common Prayer*) with another one normative liturgy. At the same time, for good missional (and historical and theological) reasons, liturgical reform has been considered necessary. Together, these two factors (the political impossibility of producing an agreed one new liturgical norm, and the missional necessity for revised and modern-language liturgies) have meant that liturgical uniformity has had to be sacrificed: for the last hundred or so years, churches have been able to use different liturgies from each other.³⁴
- 174 While *uniformity* has gone forever, however, a looser form of liturgical *unity* has been preserved. The preservation of liturgical unity has been considered essential to the Church of England’s charism and calling. As the FAOC paper, *Communion and Disagreement*, observed, ‘For the Church of England, liturgy has a particular role in enabling such common confession before God in worship as the ground and the goal of the church’s life’ (§25). It is ‘commonality in texts and practices of worship in the Church of England’ that has ‘enabled it to hold within itself a striking plurality of theological perspectives, and therefore that such unity in worship has been critical to how Anglicans work at good disagreement’ (§20).
- 175 *Common Worship*, authorised since 2000,³⁵ has attempted a subtle balance aimed at unity without uniformity. Unity is protected first by ‘hiving off’ the 1662 Prayer Book from revision or replacement as the only liturgical norm in which the doctrine of the church can be found (and ‘default’ when there is a disagreement – Canon B3.2). *Common Worship* does not, therefore, need to bear the same weight and responsibility as the abortive 1928 Prayer Book attempted. Second, unity is protected by an agreed mandatory ‘structure,’ but uniformity in populating that structure is no longer considered necessary, appropriate, or missionally flexible enough. Third, unity is protected by the necessity of two-thirds supermajorities in all three Houses of General Synod for authorisation of new services or amendments to existing services, leading to a high degree of compromise emerging through the process of drafting and revision so that – in

³⁴ Some bishops expressly permitted use of the Deposited Prayer Book from 1928 onwards; further ‘permissible alternatives’ came with Series 1 and Series 2 (1966), Series 3 (1973 [Communion], 1977 [Marriage]) and *The Alternative Service Book* (1980). In addition, canon law began to permit liturgical variation from authorised forms of service and innovation for forms of service for which ‘no provision is made,’ provided that any such variation was ‘neither contrary to, nor indicative of any departure from, the doctrine of the Church of England in any essential matter’ (Canons B4-B5).

³⁵ The main volume, including Holy Communion, Baptism, A Service of the Word, and Morning and Evening Prayer on a Sunday, was authorised in 2000; *Daily Prayer* in 2005; *Christian Initiation, Ordination Services*, and *Times and Seasons* in 2006; and *Festivals* in 2008.

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intention at least – any Church of England minister ought in good conscience to be able to use any prayer or service so authorised, even if (for reasons of theological conviction) he or she has a strong preference for some options over others.

Conscience

The Nonjuring Schism

176 The nonjuring schism (1688-1770s) was occasioned by the accession of William and Mary following the flight of James II. Parliament required clergy to take a new oath to the new co-regents, but hundreds of parish clergy and nine bishops could not take the new oath on conscience grounds, believing that their previous oath to James II and his heirs was still binding. Rather than transgress conscience, once it was apparent (in 1691) that no compromise would be available for the bishops (ordinary parish clergy with these scruples were quietly allowed to keep their livings), the bishops were removed from office and replaced, and hundreds of parish clergy resigned their positions to register their own churches on the terms employed by nonconformists. The consecrating of a brace of new bishops within the nonjuring hierarchy in 1693 ensured that the schism would endure beyond that first generation, lasting in the end until James II's line died out a century later – at which point, the remaining non-jurors were reabsorbed into the Church of England.

- p. The nonjuring schism is an instructive example when an issue of conscience meant that a significant minority felt they could no longer continue within the established church, resigned their livings, and planted their own churches – many in the very parishes whose benefice they had vacated. That minority felt 'forced out' by the actions of the majority (or at least, the majority of those in power) and the unwillingness or inability to offer an acceptable compromise. It is additionally noteworthy, however, that schism notwithstanding, bridges to future reconciliation were never burnt: clergy could (and did) change their minds when circumstances changed (of the c. 340 priests who refused the oath and resigned, an estimated 80 subsequently conformed and were received back into the established church); and because the apostolic succession was maintained in nonjuring consecrations and ordinations, the remainder of the movement could be received back into the church generations later without reordination.

The late twentieth century to today

177 As will be described below, regarding the solemnisation of marriages, state law has allowed certain clergy conscience exemptions since 1857, and most recently in 2004. Within the canons, discipline, and teaching of the Church of England itself, however, the principle of conscience having a determinative role in what a minister may or may not choose to do has been a feature of the ordering of church life only in the last forty years. Before the late 1980s, according to canon law and Convocation resolutions, broadly speaking all clergy and parish churches were expected and instructed to 'do the same stuff,' diversity in vesture and liturgy (and wide diversity in theology and preaching) notwithstanding. In the last two

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decades of the twentieth century and into the twenty-first, however, there have been a number of areas in which an individual cleric's conscience and conviction has been formally given, effectively, the power of 'veto' at a local level.

Divorce and marriage

178 In the Divorce and Matrimonial Causes Act of 1857, which made divorce more easily attainable, clergy were exempted from the obligation to marry those with a surviving former spouse. The Convocation of Canterbury resolved in 1957 that the church's marriage rite (or any other public Service) must not be used for anyone with a former partner still living – allowing private prayers only to a priest's discretion. Until the 1980s, then, the Church maintained – on paper at least – a uniform approach and discipline: no public services of any kind for divorced persons with a spouse still living was permitted to any cleric (though some continued to exercise their right under the terms of state law to solemnise such marriages). In 1985, following an indicative vote in General Synod, the House of Bishops commended 'A Service of Prayer and Dedication after a Civil Marriage' which clergy could (but did not have to) offer. In 2002 General Synod approved a structure for marriage after divorce in church in 'exceptional circumstances.' That motion determined that 'the decision as to whether or not to solemnise such a marriage in church after divorce rests with the minister'; and the provision of the Matrimonial Causes Act 1965 that exempts clergy from any obligation to solemnise the marriage of a divorced person or to make their church available for another to do so remains in place. In practice, therefore, every incumbent may, but none must marry divorced persons or offer a Service of Prayer and Dedication. Each priest makes a judgment according to conviction and conscience, informed by their interpretation of the relevant Scriptures and the particular situation at hand. This means that between any two given parish churches, there may be very considerable divergence in practice.

179 There is also an exemption for clergy conscience concerning who may contract a marriage altogether. The Deceased Wife's Sister's Marriage Act (1907) and Deceased Brother's Widow's Marriage Act (1921) exempted the Church from solemnising marriages which lay within the prohibited degrees of kindred and affinity from the 1563 Table but which the state decided ought no longer to be forbidden. All further restrictions on marriage to relations by affinity (excepting cases in which one party was a child of the other party's family) have subsequently been removed in state law (the most recent revision coming in 2007), but clergy are still not obliged to solemnise such a marriage, nor to make the church of which he or she is incumbent available for it.

- a. Some of these developments in divorce and marriage law have been attended by a conscience clause exempting ministers of religion as part of the government's legislation – the specific exemption of the Church of England from even being *able* to solemnise same-sex marriages when they were introduced in 2014 belongs to that pattern. The bishops have been able to direct their clergy to make use of such exemptions, under threat of discipline for disobedience thereto: the bishops forbade clergy from blessing the marriages (until 1985) or solemnising the marriages (until 2002) of divorcees.

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- b. In the last forty years, however, the conscience-informed discretion of the individual parish priest has come to the fore. He or she may (but also may refuse to) bless a further marriage after divorce, solemnise a marriage of a divorced person, and solemnise the marriage of persons within the traditional prohibited degrees of affinity. The parish priest's conscience and conviction is worked out, of course, in the context of increasing divergence between the teaching and practice of the church and the views and customs around sexual and marital relationships in wider society: part of what informs priests' conscience and conviction concerns not only sexual ethics and the nature of marriage in the abstract, but the character and mission of the national church.

Ordination of women

180 The Church of England has had female priests since 1994 and bishops since 2015. Both developments followed supermajority votes in all three Houses of the General Synod. Both moves to enable women to be ordained to the presbyterate and episcopate made formal provision for the minority who were unable to receive the ministry of female priests and bishops on grounds of theological conviction. Though the Church of England has in each case made a clear decision to proceed, it has nonetheless signalled not mere tolerance but respect for the traditionalist position and has not so far had the appetite to follow the example of other churches (such as the Church of Sweden, which scrapped its 'conscience clause' in 1982) to require all serving or future clergy to subscribe the majority view.

c. *Provision in 1992-93:*

- i. PCCs could pass Resolution A, which disbarred women in those parishes from presiding at Communion or pronouncing the Absolution, and/or Resolution B, which disbarred women from being appointed as incumbent, priest-in-charge, or team vicar.
- ii. Each diocesan bishop had the power to veto within his diocese the ordination of women as priests; the institution of women as incumbents, priests in charge or team vicars; and the granting of a licence or permission to officiate to any female priest. These powers of veto, however, were never exercised, though a number of traditionalist diocesan bishops then (and still now) decline to ordain women to the priesthood themselves, conferring that responsibility upon a suffragan or assistant bishop.
- iii. The Episcopal Ministry Act of Synod (1993) enabled a parish to petition to be under the pastoral and sacramental care of a bishop who had not ordained women (known as Resolution C) and established four 'Provincial Episcopal Visitor' sees so that suitable men could minister to those parishes at the invitation of the diocesan.
- iv. The Episcopal Ministry Act was accompanied by a House of Bishops' supporting document, *Bonds of Peace*, which insisted that 'those who for a variety of reasons cannot conscientiously accept that women may be ordained priests will continue to hold a legitimate and recognised position within the Church of

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England,' with the bishops 'corporately and individually... pledged to maintain the integrity of both positions.'³⁶

d. *Provision in 2014*

- i. The 2014 Measure that enabled women to be consecrated bishop repealed the Priests (Ordination of Women) Measure of 1993 and rescinded the Episcopal Ministry Act of Synod 1993. Unlike the 1993 equivalent, the text of the 2014 Measure includes within its text no formal legal provision for traditionalists.
- ii. The Measure passed in General Synod (at the second attempt), however, on the basis that it was accompanied by a House of Bishops' Declaration on the Ministry of Bishops and Priests (GS Misc 1076) that formally and morally bound the Bishops to make arrangements for those unable to receive the ministry of women as priests and/or bishops (and committed them only to alter the Declaration with a proposal gaining supermajorities in all three Houses of General Synod).
- iii. The centrepiece of the Declaration, the Five Guiding Principles, was welcomed by the General Synod in a motion passed on 20 November 2013. The principles, 'read one with the other and held in tension,' stressed that all orders of ministry would be open to women and men on the same terms and that all those who minister within the Church of England need to acknowledge the Church's 'clear decision on the matter' (principles 1 and 2); but also, (3) that the Church's 'own clear decision...is set within a broader process of discernment' together with other churches that share the historic episcopate but confer priests' and bishops' orders on men only, (4) that those who 'on grounds of theological conviction' cannot receive the ministry of women as bishops or priests remain within the church's 'spectrum of teaching and tradition' and must continue to be able to 'flourish' within the church' 'life and structures,' and (5) that 'pastoral and sacramental provision' would be made indefinitely and 'in a way that maintains the highest possible degree of communion.'
- iv. With the earlier Resolutions A, B, and C scrapped, a new Resolution could be made by a petitioning PCC, requesting 'arrangements be made for it in accordance with the House of Bishops' Declaration on the Ministry of Bishops and Priests.' In practice, the *practical* outcome of the old Resolutions (extended episcopal oversight, the appointment of men only as incumbents) is effected by the new resolution.³⁷
- v. Appeal can be made to an independent Reviewer if a petitioner believes the spirit or letter of the Declaration to have been contravened.

³⁶ *Bonds of Peace* (1993), §4-5.

³⁷ Additionally, a conservative evangelical Provincial Episcopal Visitor (first +Maidstone, now +Ebbsfleet) was added to the four traditional catholic 'flying bishops.' Around 600 parishes have such a resolution in place (590 at the end of 2020, according to *Ministry Statistics 2020*).

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181 In twice taking this combined step – of both opening the priesthood and then episcopate to women, but in providing also for the conscience and conviction of the traditionalist minority – the Church of England has preferred rather to live with ‘degrees of communion’ and ‘impaired communion’ within one ecclesial fellowship (including in the House and College of Bishops themselves) than either not to proceed to so ordain women or to expel (or, at least, allow to wither out) the traditionalist dissenting minority. It is conceded on all sides that this has created an ecclesiological anomaly (as the preface to the Five Guiding Principles implicitly recognises): a mutually-recognised ministry is, theoretically and historically, an essential mark of what it is to be a church. This anomaly, however, has permitted the greatest possible degree of communion without severance or schism (a small number of priests leaving both in 1993-94 and 2013-14 notwithstanding) – and has been chosen in deference to Christian charity and the Church of England’s continued commitment to comprehensiveness over strict theological and ecclesiological consistency.

Rites and services

182 The dioceses of Peterborough, Southwark, and Manchester were given permission to begin admitting children to communion before confirmation on an experimental basis in 1991. The House of Bishops published Guidelines for the extension of the experiment in 1997. Recognising that it was ‘a departure from our inherited norm’ (paragraph A, GS Misc 488), the experiment required ‘special permission,’ comprising each diocesan bishop’s decision to allow (or disallow) communion before confirmation to take place in his diocese and, if so, an application from an incumbent and PCC jointly. The Guidelines gave way to Regulations under Canon B15A.1(c) in 2006; with the diocesan bishop’s discretion to permit or forbid in his (now, his/her) diocese still ‘absolute’ (paragraph 3). Different diocesan bishops have since enacted different policies concerning age, preparation, and admission; some bishops initially did not permit the practice in their diocese at all, though by 2011 all but two diocesan bishops were willing to receive applications.

183 The question of whether baptised children and adults ought to be admitted to communion before confirmation is a question of *theological conviction* – about the nature of Christian sacramental initiation, the relationship between baptism and confirmation, the normativity of tradition (and which tradition), what is required of someone to be capable of ‘worthy reception’ of the Eucharist in terms of cognitive and spiritual capacity, and even about what happens to the substance of the elements during consecration. Official reports from the Ely Commission (1971) onwards found consistently in favour of permitting the unconfirmed (though suitably prepared) to communicate, and that was the view of a clear majority of bishops and members of Synod. And yet instead of enacting a new national policy to which all (bishops, clergy, PCCs) *had* to agree, the Regulations permitted local variation at the level of both the diocese and the parish according to the discretion of the Ordinary and incumbent (with their PCC) respectively. Theological conviction meant that an ‘opt-in’ process for both dioceses/bishops and parishes/priests was enacted.

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184 The canons provide for the opinion of ministers to be invoked in deciding whether to adopt variations or offer services not otherwise provided for in authorised liturgy (Canons B4 and B5) – the opinion of the minister being that such variations were ‘not of substantial importance,’ were ‘reverent and seemly,’ and ‘neither contrary to, nor indicative of any departure from, the doctrine of the Church of England in any essential matter.’ Whether and what variations to adopt would frequently be down to the minister’s conscience or conviction concerning the acceptability of such deviations and innovations; their judgment being subject to the direction of the Ordinary (normally the diocesan bishop) if and when brought to their attention.

Transgender persons

185 In 2004, a transgender person was ordained in the Church of England for the first time. Bishops, however, are not under any obligation to sponsor, ordain, or licence transgender persons in their diocese.³⁸ In 2003, the House of Bishops issued a memorandum arising from their discussions, in which they sought to safeguard ‘the position of bishops unwilling to ordain transgendered [sic] candidates and, once marriage of transsexuals [sic] became possible in law, securing an exemption for clergy not willing to solemnise such marriages.’³⁹ The government accordingly included a ‘conscience clause’ in the Gender Recognition Act of 2004, allowing clergy to refuse to marry someone whom they ‘reasonably believe’ has transitioned.

186 Following the passing of a General Synod motion brought by the Diocese of Blackburn in 2017, the House of Bishops published ‘Pastoral Guidance for use in conjunction with the Affirmation of Baptismal Faith in the context of gender transition,’ but that use of the rite is left to the discretion of the minister concerned. In the Statement accompanying the release of the guidance, it was made explicit that ‘there is no obligation on anyone to offer the rite in this or any other context,’ and that ‘any priest who feels unable to offer this rite in this context is free not to do so.’⁴⁰ While, therefore, it is possible for a trans person to marry in, be ordained in, licensed and beneficed in, and receive a celebratory liturgical act to mark their gender transition in the Church of England, there are conscience clause exemptions at every juncture for both bishops and priests. There is, then, a wide diversity of approach and policy between different bishops and dioceses, priests and parishes.

Approach to questions of sexuality

187 The recent denouement in the LLF process and the commending of the Prayers of Love and Faith is by no means the first time the Church of England has had to deal with deep disagreement over sexuality. It is not necessary to rehearse

³⁸ Cf. LLF book, p. 145; and ‘Sending Candidates to BAP: A Guide to the Selection Process’ (2017), §1.14 (p. 12).

³⁹ HB(03)M1 – House of Bishops: Summary of Decisions from the meeting of the House held 13-16 January 2003; cited in the LLF book, p. 146.

⁴⁰ ‘Statement on Pastoral Guidance for use in conjunction with the Affirmation of Baptismal Faith in the context of gender transition’ (10 January 2019).

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the process and findings of the various reports commissioned and published over the last fifty years. What is more germane to this paper, however, is how the Church of England has handled unity and disagreement so far in its treatment of human sexuality in terms of its practice, guidance, and discipline.

188 *Issues in Human Sexuality*, a formal statement by the House of Bishops, was published in 1991. It restated a traditional view of sexuality and relationships, while signalling a more pastoral and inclusive tone concerning what it termed ‘homophile’ laity in the life of the Church. Gay clergy, however, were therein required to be sexually abstinent, on the grounds (and in the light of *Issues*’ earlier restatement of a traditional sexual ethic) of the responsibility of the ordained to model a ‘pattern [of life] which the Church commends’ (§5.13), for their ministry to be ‘free of anything which will make it difficult for others to have confidence in them as messengers, watchmen and stewards of the Lord’ (§5.14), and because office-holders in the Church, though free to argue for a change in teaching and discipline, are nevertheless ‘not free’ to act contrary to ‘the mind of the Church on matters of faith and life’ (§5.15). Although *Issues* rejected the argument that ‘bishops should be more rigorous in searching out and exposing clergy who may be in sexually active homophile [sic] relationships’ (§5.18), it advised requiring ordinands to give an assurance that they would abide by the standards of chastity it laid out (§5.21). In practice, a postulant for ordained ministry would be asked by the Director of Diocesan Ordinands to read *Issues* and undertake to live within its teaching, though there is considerable variation regarding how (and even if) this undertaking was sought.⁴¹ Later statements on related matters were essentially similar in content, but never had the same prominence in terms of the discernment process.

189 With the advent of Civil Partnerships in 2005, the House of Bishops’ Statement argued that because a civil partnership, unlike marriage, ‘is not predicated on the intention to engage in a sexual relationship’ (§11), ‘the House of Bishops does not regard entering into a civil partnership as intrinsically incompatible with holy orders, provided the person concerned is willing to give assurances to his or her bishop that the relationship is consistent with the standards for the clergy set out in *Issues in Human Sexuality*’ (§19).

190 The Pastoral Guidance on Same Sex Marriage (2014) also directed that clergy had to ‘fashion their lives consistently with [the Church’s] teaching’ (§25), and accordingly found that clergy could not contract a same sex marriage (§27); while the updated Pastoral Statement on Civil Partnerships (2019) repeated the requirement for ‘assurances that [clergy and ordinands]’ relationship will be consistent with the teaching set out in *Issues*’ (§24). The Church of England successfully defended its discipline in an employment tribunal brought by the same-sex married priest Canon Jeremy Pemberton (who, having married in 2014, was refused a licence required to take up a chaplaincy post) in 2018.

191 The Church of England, then, for the last thirty years or so, has expressly permitted to its clergy the freedom to argue for a change in doctrine but formally

⁴¹ This requirement was included, for instance, in Ministry Division’s *Sending Candidates to BAP: A Guide to the Selection Process* (2017), §1.13.

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required strict discipline in the ordering of their intimate relationships. Different diocesan bishops, however, have enacted the discipline of *Issues* and the Statement on Civil Partnerships in different ways, resulting in an uneven approach across the Church of England. Some have sought those assurances solemnly and repeatedly – and from lay readers as well as clergy; others have in effect not sought them at all. The way the Church has dealt with difference and disagreement over this issue in the last three decades has resulted in a ‘postcode lottery,’ with some pastorally very difficult situations created for lay readers and clergy moving from one diocese to another.

192 Although the House of Bishops, prior to the commending of the *Prayers of Love and Faith*, several times directed that there should not be any public service to mark a same-sex union (whether civil partnership or marriage),⁴² the canonical freedom (under B5) of clergy to offer services or adapt services for situations for which no provision is otherwise made in authorised liturgy has meant that some priests and parishes in the last twenty years have interpreted Canon B5 in such a way that they have felt able to offer public services to bless same sex couples. Some have done so with the (tacit) approval of their diocesan, while others have been expressly forbidden from doing so. Ministers’ use of their discretion under Canon B5 to justify providing services of blessing for same-sex couples has been controversial. It has not been uncommon, in the last twenty years or so, for clergy to lodge complaints about their colleagues’ actions, even to attempt to trigger disciplinary procedures. This has occasionally resulted in episcopal intervention, but not consistently.

193 It should be noted that throughout this time, the bishops have consistently directed parish priests not to withhold the sacraments from same-sex couples and their children. The priest is not permitted a ‘conscience clause’ exemption from the duty to baptise and communicate. The Statement on Civil Partnerships directed that priests could not refuse to baptise the children of a civilly-partnered couple on the grounds that they ‘are not, in their view, living in accordance with the Church’s teaching’ (§25), nor withhold confirmation or communion on those grounds. The Bishops’ Pastoral Guidance on Same Sex Marriage (2014) similarly directed that same-sex married couples and their children should not be denied access to the sacraments (§18).

The Anglican Communion and Ecumenism

194 Any treatment of how the Church of England has approached unity and disagreement throughout its history would be incomplete without mention of the Anglican Communion and ecumenism. Discussion on both these planes invariably cycles around precisely the questions of unity/union and disagreement/difference – either in defining and protecting the unity we do have (Anglican Communion), or in working towards what we do not yet have (ecumenism).

⁴² The Statement on Civil Partnerships (2005), §17; the Pastoral Guidance on Same Sex Marriage (2014), §20; and the Pastoral Statement on Civil Partnerships (2019).

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The Anglican Communion

195 The Anglican Communion has its origins in both the expansion of the British Empire and the overseas missionary movement. Starting with the consecration of Samuel Seabury in 1784 (who, for legal reasons, had to receive his episcopal orders from the disestablished Episcopal Church in Scotland), what might once have been described as ‘the Church of England abroad’ morphed gradually into a global network of self-governing churches united in a common ecclesial history, liturgical heritage, and mutual recognition and interchangeability of holy orders. From 1867, the Lambeth Conference has met roughly every ten years. It was and remains a deliberative body of bishops of the Anglican Communion invited by the Archbishop of Canterbury, without any canonical or constitutional status in the provinces therein represented. The various pronouncements made by subsequent Conferences (‘resolutions,’ most recently, ‘calls,’ never canons) have, therefore, only moral authority. The Anglican Consultative Council (from 1968) and the Primates’ Meeting (from 1979) were formed to strengthen communication and consultation. Together with the Lambeth Conference and the Archbishop of Canterbury, they comprise the four ‘instruments of communion’ that gives the Anglican Communion its identity and cohesion.

196 The four instruments, however, do not comprise a central ‘magisterium.’ This has made communion/unity within the Anglican Communion always an exercise of seeking consensus and negotiating compromise rather than asserting control. Over the last fifty years, considerable inter-provincial strain has been caused in particular by differences and disagreement over the ordination of women and matters of human sexuality.

197 The 1988 Lambeth Conference, in view of certain provinces being then poised imminently to consecrate a woman as bishop, resolved that Provinces making different decisions about women and the episcopate should seek to maintain ‘the highest possible degree of communion’ one with another, and on that basis called upon the Archbishop of Canterbury to appoint a commission (later chaired by Robert Eames, Archbishop of Armagh) to monitor developments and offer pastoral guidelines. The Eames Commission (which published its final report in 1994) was followed in 1997 by *The Virginia Report* – which sought to think through the implications of the ordination of women in some provinces on the common life of the Communion.

Disagreement and division in the Anglican Communion over sexuality

198 The latest chapter in the Anglican Communion’s history of seeking to deal with unity and disagreement begins with the endorsement at the 1998 Lambeth Conference of Resolution 1.10, which, as well as assuring ‘homosexual persons’ that they are ‘loved by God and...full members of the Body of Christ’, rearticulated a traditional view on human sexuality and marriage, and said the Bishops of the Communion ‘cannot advise the legitimising or blessing of same sex unions nor ordaining those in same gender unions.’ Resolution 1.10 did not deter (and had no force by which it could prevent) TEC electing the gay partnered priest Gene Robinson as Bishop of New Hampshire in 2003. A Primates’ Meeting, hurriedly assembled by Archbishop Williams, warned that the upcoming consecration would

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‘tear the fabric of the Communion at its deepest level,’ but TEC proceeded nonetheless. By the time the next Lambeth Conference was called in 2008, hundreds of bishops boycotted it in protest at the invitation extended to bishops of the American and Canadian Provinces. Many of these boycotting bishops attended instead the first Global Anglican Futures Conference (GAFCON) in Jerusalem. The Windsor Report (2004), Anglican Communion Covenant (2009-12), and the Primates’ Meeting (January 2016) have since failed to mend in any lasting way the fissure in the Communion. GAFCON has continued to meet every five years and has proceeded to establish new parallel Anglican jurisdictions in Provinces where the historic Anglican church has been seen to liberalise its teaching, liturgy, or discipline (beginning with the Anglican Church of North America (ACNA) in 2009; and including the consecration in 2017 of Andy Lines as a missionary bishop for England and Europe). The 2022 Lambeth Conference saw a resumed boycott from the bishops of Nigeria, Uganda, Rwanda, and half of Kenya; and many bishops who did attend declined to receive communion at the Canterbury Cathedral service. The Global South Fellowship of Anglican Churches (GSFA), a covenantally-structured formal fellowship of 24 of the Anglican Communion Provinces has, since the February 2023 General Synod of the Church of England, called for the end of the Archbishop of Canterbury’s position as *primus inter pares* in the Communion (a demand now formally part of a broader review of how to ‘reset’ the Communion being conducted by the Inter-Anglican Standing Commission on Unity, Faith and Order (IASCUFO)).

Ecumenism

199 A bent towards ecumenism has long been part of Anglican identity. Proto-ecumenical attempts of a sort were made several times in the sixteenth- to nineteenth- centuries,⁴³ though the modern chapter in Anglican ecumenism could be said to date from either the 1888 Lambeth Conference’s adoption of the Lambeth Quadrilateral as basis for which ‘approach may be by God’s blessing made towards Home Reunion,’ or the 1920 Conference’s ‘An Appeal to all Christian People’ to work towards a worldwide united church.⁴⁴

200 There is arguably something in the very DNA of Anglicanism (to speak anachronistically) from the Elizabethan Settlement and the Hookerian apology for it onwards that tends towards seeking ecclesial unity; and some have argued that the historical accident of ‘Anglicanism’ provides potential for unlocking it. Perry Butler writes, ‘the Anglican claim to continuity in faith and order with the primitive Church and the distinction between fundamentals and non-essential matters of faith were seen as possible bases for fruitful ecumenical endeavour,’ and to a

⁴³ Thomas Cranmer attempted to call a Reformed ecumenical council in 1552; the Church of England sent a delegation to a pseudo Reformed ecumenical Synod at Dort in 1618-19; the Nonjurors made overtures to the Eastern Orthodox Church in 1716, Archbishop William Wake attempted a scheme of union with the Gallican church in 1718; and heirs to the Oxford Movement tried to begin negotiations with both Rome and the Orthodox in the 1860s.

⁴⁴ The ‘Lambeth Quadrilateral’ (also called the Chicago-Lambeth Quadrilateral) consists of, (i) the Scriptures containing all things necessary to salvation, (ii) the Creeds as the sufficient statement of the Christian faith, (iii) the dominical sacraments of baptism and Holy Communion, and (iv) the historic episcopate, ‘locally adapted.’

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degree, so it has proved.⁴⁵ The Anglican Communion has been a major force in the worldwide ecumenical movement (for instance, every Province has participated in the World Council of Churches, itself inaugurated by Archbishop of Canterbury Geoffrey Fisher in 1948).

201 The major achievements, in terms of securing 'visible unity', of Anglican ecumenism have been the Bonn Agreement of 1931 that secured intercommunion with the Old Catholic Churches; and the Porvoo Communion, bringing full communion between 15 northern European Lutheran and Anglican churches between 1994 and 2014 (building on communion already established in 1922 with the Church of Sweden). The Meissen Agreement (1991) and Reuilly Declaration (2001) commits the Church of England to take steps towards full visible unity with the Evangelical Church in Germany and the French Lutheran and Reformed churches respectively. The Anglican-Roman Catholic International Commission (ARCIC), first established in 1970, has achieved a great deal without leading to the visible union that was hoped for in its early phases. Schemes for union with non-episcopal churches have had varying degrees of success: the Church of South India (founded 1947) and the Church of North India (1970) brought Anglicans, Methodists, and Reformed together in 1946 on the (controversial) basis of *future* episcopal ordination but not reordination of non-episcopal ministers. A similar arrangement has been proposed for (re-)union with the Methodist Church in Britain.

Notes on ecumenical concepts

202 It has been remarked several times above that tools and concepts used originally in an ecumenical context (specifically the concept of 'degrees of communion') have been applied of late at an inter-Provincial level within the life of the Anglican Communion and even within the life of the Church of England. Notwithstanding the ecclesiological challenges of applying ecumenical/inter-provincial concepts within a church rather than between churches, it may be that some of the tools recently and fruitfully used in ecumenism could effectively be deployed in ongoing dialogue around our disagreement and division within the Church of England, especially when formal structural provision is in view. Two aspects of contemporary ecumenical method are worthy of note:

203 *Receptive Ecumenism*. Associated with Paul Murray at Durham, receptive ecumenism stresses that in ecumenical dialogue we look at what we can learn from others, rather than what they can learn from us. It stresses a positive, hospitable and welcoming approach to those who differ from us.

204 *Differentiated Consensus*. This encourages different churches to set out in full those issues on which they *can* agree and then say what their different approaches are to those areas where they disagree. There have been some stunning successes associated with this approach, perhaps most notably the Joint Declaration on the Doctrine of Justification (1999) between the Roman Catholic

⁴⁵ Perry Butler, "From the Early Eighteenth Century to the Present Day," in *The Study of Anglicanism*, ed. Stephen Sykes, John Booty, and Jonathan Knight, Revised Edition. (London; Minneapolis, MN: SPCK; Fortress Press, 1998), 47.

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Church and the Lutheran World Federation, which substantially addressed a key Reformation dispute. The differentiated consensus method has been deployed to great effect in International Anglican-Roman Catholic Commission for Unity and Mission (IARCCUM) discussions between the Anglican Communion and the Roman Catholic Church.

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Section 2: Episcopacy and Conscience

- 205 Can conscience be collegiate? This paper considers what conscience is and does through the shifting definitions, usage and history of the word. It then thinks through the very specific parameters of episcopal collegiality, asking in what ways the axiomatic unity of the episcopate shapes, limits or privileges the moral discernment of bishops, together and separately.
- 206 *What has conscience, historically, been taken to be in the context of the Church of England?*
- 207 The history of usage for the word ‘conscience’, along with the majority of its definitions, make it a faculty of the individual person⁴⁶. That alone seems to suggest that speaking of ‘collegiate conscience’ is to misname collective moral responsibility - and that, therefore, the more modest framing of that responsibility as the ‘collegiate mind’ is a better one. But is it?
- 208 For ‘conscience’ cannot only be individual. Etymologically, it is a ‘knowing-with’ word, whether you trace that back to the Latin *conscire* or the Greek *syneidesis* used by Paul. The ‘with’ against which the soul *measures* its moral imperative might be solely divine or might be the divine revealed in human community (these are effectively inseparable in practice, since pure individual assertion is no guarantee of the revealed will of God), but the *impact* of individual acts of conscience is communal. The English word began as one that has an apparently collectively agreed set of qualities, being a ‘noun of condition or function’, like ‘prudence’, so that one could have more or less ‘conscience’ but not ‘a conscience’. It then acquired very early a common usage as an – often personified – quality of mind.⁴⁷ In this personified sense John Milton, in the 1660s, has God speak of ‘my Umpire *Conscience*’ as one of the salvific guides God has set within humanity following the Fall.⁴⁸
- 209 Within the *Book of Common Prayer* and the Elizabethan *Homilies*, conscience figures most often as an internal conviction, usually of sin. The word is used in this way in the minister’s ‘Exhortation’ to Communion, where those whose conscience is not ‘quiet’ are invited to approach the minister for ‘further comfort or counsel’;⁴⁹ and the same usage appears in the ‘Visitation of the Sick’⁵⁰, the ‘Forms of Prayer to be Used at Sea’⁵¹, and in the invitation to individual counsel as it appears in the Homily ‘Of Repentance’: ... ‘if any doe finde themselves troubled in conscience, they may repayre to their learned Curate or Pastour, or to some other godly learned man, and shew the trouble and doubt of their conscience to them, that

⁴⁶ See *OED* (1989), ‘Conscience’, esp. definition 4.

⁴⁷ For example in the *Ancrene Wisse* of the 1220s.

⁴⁸ *Paradise Lost*, III.195.

⁴⁹ *The Book of Common Prayer*, edited by Brian Cummings, (Oxford University Press: Oxford, 2011), p. 396 (1662); but cf the same usage with slightly differing words in 1559 (p. 132), 1549 (p. 25)

⁵⁰ *BCP* ed Cummings p. 75 (1549), p. 167 (1559), p. 445 (1662)

⁵¹ *BCP* ed Cummings p. 614

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they may receive at their hand the comfortable salve of GODS word⁵². This is the commonest but not the only usage of the word: in the preamble 'Of Ceremonies' the word appears in a controversial context:

- a. *And whereas in this our time, the minds of men are so diverse, that some think it a great matter of Conscience to depart from a piece of the least of their Ceremonies, they be so addicted to their old customs: and again on the other side, some be so newfangled, that they would innovate all things, and so despise the old, that nothing can like them, but that is new.*⁵³

210 Cranmer adds that he has 'taken away' those Ceremonies 'which were most abused, and did burden men's consciences without any cause', presenting therefore the possibilities that conscience is not infallible but may be trespassed upon by unmeet demands. It is not sovereign.

211 The puritan divine William Perkins, one of the earliest in the Church of England to consider 'cases of conscience', said that conscience was more than 'a bare knowledge or judgment of the understanding' but rather 'a natural power, faculty, or created quality, from which knowledge and judgment proceed as effects.'⁵⁴ Like Milton's 'Umpire', Perkins' earlier definition doesn't see conscience as a simple touchstone for obvious moral truths, but as both source for and divinely instilled arbiter of the use of 'knowledge and judgment' in a process of moral discernment. Discernment does not happen in a relational vacuum, any more than 'knowledge' and 'judgment' are purely individual qualities. All participate in discovering a truth mutually held and divinely grounded. Conscience, in this early modern sense, drawing as it does on a kind of natural theology, is not opinion.

212 Why is it important to explore the field of meaning for the English word 'conscience' separately from the field of meaning for *syneidesis* (the word it usually translates) when thinking about the episcopal collegiate bond? It is because even quite a brief exploration of the English word's significance finds it intimately bound up with the history of the post-Reformation Church and State. A look at Google Ngram,⁵⁵ (which charts word usage in printed texts across time) finds that the word 'conscience' has its most culturally intensive deployment in the printed word ever during the early 1650s - the only point in the reformed Church of England's history when the episcopally led settlement of the Church of England entirely broke down.⁵⁶ So 'conscience', historically, is a word prominent in internal religious disagreements, especially as those disagreements relate to the authority

⁵² Homily XX, 'Of Repentance and True Reconciliation Unto God' in *The Homilies*, 2nd book [John Jewel], anglicanlibrary.org/homilies/bk2hom20.htm

⁵³ *BCP*, ed. Cummings, p.215

⁵⁴ William Perkins, *Discourse of Conscience* (1603).

⁵⁵ See Appendix for Ngram chart.

⁵⁶ A Google Ngram of the word 'conscience' shows its highest usage ever in 1652, the point where Oliver Cromwell took personal control over the patronage of all ecclesiastical livings formerly granted episcopally. See Appendix 1, which shows spikes in the word's usage at other points of ecclesiological crisis (not all of them about the episcopate): 1535, 1549, 1605, 1643, 1687.

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and function of the episcopate. (It must, however, be acknowledged that for the seventeenth century episcopate arguments about its function are not separable from arguments about the authority of the monarch, a link now significantly weakened in a modern constitutional monarchy, so the 'authority' brought to bear on the early modern conscience is more purely political than is now the case.) Nevertheless, this is a history that bears significantly on the weight that the word may carry for modern bishops, who inherit that history.

213 At the same time as the word's usage reached its height, in 1651, Thomas Hobbes offered a definition of 'conscience' that decoupled it from absolute truth. He argued that '[a] man's conscience and his judgment is the same thing, and as the judgment, so the conscience may also be erroneous.'⁵⁷ In other words, the conscience was only a faculty, like reason; in fact, the same thing as reason and not something implanted from outside.⁵⁸ And after that point the dictionary citations of the word shift uneasily between relative definitions like Hobbes' and the older more absolute definitions, with the absolute steadily losing ground. From being the exercise of 'natural' reason in the eighteenth century it becomes, by the late nineteenth, according to one writer, no more than 'the aggregate of moral opinion.'⁵⁹ It is reduced to a kind of internalised opinion poll.

'Conscience' and the balance of power

214 Yet it is not used or understood that way. The word charts something much more conflicted than 'the aggregate of moral opinion'. 'Conscience' is cited by writers in contexts where not only moral opinion, but the divine authority deemed to underpin moral opinion, is *divided*. 'Conscience' is, in fact, invoked by those professing convictions that assert God's truth in the face of a threateningly dominant moral authority that *also* asserts God's truth. For this reason it is not only possible but highly likely that both sides should perceive their opponents as dominant and their own case as beleaguered. It claims for the vulnerable minority (or for the individual) a higher authority than visible human process.

215 It is perhaps no accident that at the height of conscience-led conflict (or at least printed writing about it) Hobbes should bring into question the legitimacy of the concept of 'conscience' at all. He subjects conscientious judgements to the finite perceptions of human reason in a parallel spirit to observations he makes about the morally arbitrary nature of human power. Implicitly the authority of conscience is linked by Hobbes not to a divine arbiter but as a response to the play of influence across different human agencies, a play that can only be reduced to civic order by the application of force. By the nineteenth century that view, while not necessarily acknowledged formally, has seriously relativised the authority of

⁵⁷ Thomas Hobbes, *Leviathan* (1651).

⁵⁸ It is perhaps in an attempt to limit this relativising of the conscience that, also in the early 1650s, the concepts of a 'tender' and 'seared' conscience gain most traction: that is, the conscience sensitised by obedience to God's will versus the conscience cauterised by sin into moral insensibility. Thus divisions on grounds of conscience could themselves be assigned a hierarchy that had nothing to do with relativism. Google Ngram finds 'tender' and 'seared' conscience at their height in 1652 and 1653 respectively.

⁵⁹ Fowler, *Progressive Morality* (1884).

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conscience, at worst reducing its operation to a gambit pitting itself on unarguable moral grounds against the exercise of a stronger power. This may be done **with sincere intent** or it may be invoked entirely tactically, and neither will look very different from the other from the outside. It is this opacity of intention that made it possible both to categorise conscientious objectors as cowardly/self-regarding *and* as unusually morally fearless during the world wars of the twentieth century.

Conscience and syneidesis

216 The FAOC paper *Communion and Disagreement* observes that the meanings surrounding the English 'conscience' differ from how Paul uses the word *syneidesis* in his discussion of how to approach the eating of food offered to idols (Rom.14; 1 Cor.8). The authors are rightly careful to distinguish *syneidesis* from:

- a. *'the 'rights' of conscience as this came to be articulated in the dissenting tradition of English Christianity, much less the idea that conscience is the source of moral intuitions that neither the person themselves much less anyone else should dare to question.'*⁶⁰

217 Yet (perhaps because the English dissenting tradition was itself derived from reading Paul) the distinction between conscience's 'rights' and *syneidesis* is quite subtle. '[I]f conscience is understood to be at the core of a person's being,' the authors of *Communion and Disagreement* add of *syneidesis*, 'one is seeking to destroy that person in asking them to go against it'. That too assigns a considerable weight to individual conscientious scruple.

218 The difference between that weight and the 'rights' of conscience is largely one of approach. Paul's understanding of *syneidesis*, while not relativising conscience, does understand it as subjective, a part of the sensitive internal reckoning that a person must make with the guidance of God. It is remarkable that in considering (in 1 Cor.8) the question of eating meat sacrificed to idols, Paul allows *both* sides of the argument to appeal to conscience for its moral weight. He makes the balance of his own moral judgment perfectly clear, but he is much more focussed upon the spiritual wellbeing of those experiencing the pain of conscience than on the absolute rightness of one side over the other. 'Knowledge puffs up', he counsels, 'but love builds up' (1 Cor.8.1b). That is why, against the simple clarity of 'knowledge' Paul puts the case for the pains of even a 'weak' conscience so very strongly - 'by your knowledge those weak believers for whom Christ died are destroyed' (1 Cor.8.11) – as a way of acknowledging the acute psychosomatic discomfort of an uneasy conscience.

219 This subjective experience is very difficult, perhaps impossible, to assuage through the exercise of reason alone; whatever its basis, its effects are powerful. Joshua Hordern and Loveday Alexander, in a paired writing exercise on 'Communion, Disagreement and Conscience' write that:

- a. *[we] agree that it is entirely proper to consider the subjective experience of conscience. What makes the passages from Paul so interesting is that the problem which Paul recognises is an existential, subjective one: we are created to be subjects; our experiences of the*

⁶⁰ *Communion and Disagreement* (2016), para. 41

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*world and of dangers to our self understanding are matters of creaturely and ecclesial existence.*⁶¹

220 In apprehending the world as creatures, human beings are themselves subject to fallible judgments. Hordern and Alexander speak here of the individual conscience; but the pains of conscience may also (especially for a bishop) be felt in a representative capacity; collective decisions may (or may not) themselves be subject to fallibility; and when accepting collectively the guilt of an institutional fault to which the individual bishop has not personally contributed, a bishop may also be acknowledging a serious matter over which the collective episcopal conscience has in the past taken too little care.

221 In making the distinction he does between 'knowledge' and 'love', Paul reasons onwards from the subjective nature of conscience to the overall spiritual wellbeing of the Church's body. '...[W]hen you thus sin against members of your family, and wound their conscience when it is weak, you sin against Christ' he writes in 1 Cor. 8.12. That is to say, the negotiation of conscience lies in the kind of *relationship* lived out between parties of differing judgment.⁶² And where those parties of differing judgment also disagree about the seriousness of the agreement (for one it may be a matter of *adiaphora*, something that does not strike at the heart of the Church's being, whereas for another it may be much more serious and not something that can therefore be 'lived with'), the work to be done between those who disagree is challenging indeed. These are conditions in which each side's appeal to 'conscience' teeters in a difficult moral balance. It is vital for the health of the Church's body that each person recognise the good faith of the opposing position as the ground upon which they negotiate the collective relationship. If that cannot happen episcopally, it will not happen in the body of the Church as a whole.

222 As *Communion and Disagreement* also observes, 'the awesome reality of the church as communion with God does not mean that it bypasses the creaturely paths of human discussion, learning, negotiation and action, within which the movement from agreement via disagreement to fuller agreement has its proper place.'⁶³ The difficulty of discernment, exemplified in the points about which Hordern and Alexander write that they 'do not yet agree', is in knowing 'what is the proper relationship between conscience and persuasion.'⁶⁴ This, writes Hordern, is urgent because in the end if no 'shared judgment about our common life' can be found notwithstanding urgent 'doctrinal and moral discussion and persuasion' then the (implicitly collective) 'Christian conscience is threatened.'⁶⁵

223 And this dilemma is crucial for thinking about what a 'collegiate conscience' might be. It cannot only be a battle of absolute judgments when differing views are sincerely held as convictions. Without an approach of relationship, a breach becomes inevitable. And when a bishop – a representative person who both

⁶¹ 'Communion, Disagreement and Conscience', Hordern and Alexander, para 1.13

⁶² *Communion and Disagreement* (2016), para. 41

⁶³ *Communion and Disagreement* (2016), para. 28

⁶⁴ Hordern and Alexander, 1.15

⁶⁵ Hordern and Alexander, 1.16

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embodies and disseminates the 'piety and learning' of the people of God,⁶⁶ - sets conviction implacably against the collegiate mind, the stakes are a good deal higher than that bishop's personal moral health. Against the individualist assumptions of our wider society, bishops are called to respond conscientiously within the theological demands of a *collective* responsibility. And in times of rapid change, the winds of that change blowing through the collegiate conscience may mean that some who were once within it find themselves, simply through not changing, outside the consensus. The new is not automatically sinful, but it is also not automatically a prophetic change. The collegiate mind is a place in which to test, to question, and prayerfully to consider the new thing that has arisen.

224 All this is to say that a relational approach is the one thing necessary (even if it might not be sufficient) for a Church divided on matters of conscience. Discussions of arrangements for 'pastoral reassurance' following the commendation of the Prayers of Love and Faith tend to imply that the more structural differentiation is put in place, the less need there might be for the work of relational collegiality. Yet institutional processes only safeguard against the worst dangers of relationship breakdown: they cannot make relationships flourish. They cannot even ensure their effective functioning. Perhaps structural differentiation might prove necessary; but no amount of it will bridge the relational gaps of a wounded 'family', to use Paul's word of the Church. That happens (as it does in every divided family) beyond, between and below legislative process.

225 Legislative process itself, for the Church of England, finds its expression not only in the Canons but most significantly in the liturgical performatives of worship,⁶⁷ which enact the promises made by deacons, priests and bishops in forms which bind the person into the office in the eyes of the Church. The living nuance of this profound speech act within worship is carefully considered in the FAOC paper 'To Proclaim Afresh', where (as the authors put it), those undertaking to take on authority under obedience did so within the living context of a Church of England that thought it important to 'make clear that the Church of England is both *reformata* (reformed) and *semper reformanda* (always to be reformed; or 'always patient at being reformed'). Thus clergy and licensed lay ministers continue to affirm their loyalty to the classic doctrine of the Church of England, while also being guaranteed liberty to ask new doctrinal questions.'⁶⁸

⁶⁶ This formulation draws on observations by Ephraim Radner on Cranmer's understanding of the relationship of bishops as representatives of, and drawn from, the 'learned and pious' who meet in council to determine the right ordering of the Church. Radner writes in response to suggested changes to the role of the House of Bishops in the Church of Canada, but the piece itself is historical: '...bishops are singled out, not because they are born such or assume such a character through the laying on of hands, but because their choice has been governed by the careful formation and discernment of their well-formed and Spirit-filled elders and their preparation has been ordered by the demands of this office. If Anglicanism has, in its origins, a concept of the "historic episcopate" as essential, it is one properly understood in this vital, pneumatic, scriptural continuity of generational wisdom'. See <https://covenant.livingchurch.org/2023/05/25/bishops-in-council-cranmer-on-episcopal-decision-making/>

⁶⁷ The performative nature of spoken promise within liturgy is discussed very helpfully in chapter 3, 'The Declaration of Assent as Enacted Performance' in the FAOC document 'To Proclaim Afresh' (2022)

⁶⁸ 'To Proclaim Afresh', p.4

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226 In its discussion of the oaths taken by ordinands to their bishop (or in the case of bishops, to their archbishop), the paper makes a distinction between the bishop's person and office:

- a. *Clergy do not retake the Oath when a new bishop comes to the diocese. Nor does the Oath depend upon the personal virtues or opinions of the current occupant of the see. Rather it is a symbolic way of expressing loyalty to the historic and corporate teaching of the Church of England – loyalty to the inheritance of faith. Bishops themselves swear canonical obedience, to the Archbishop of Canterbury or York.*⁶⁹

227 The authors make the important point that obedience is a 'spiritual discipline' (p.24), and that the bishop or archbishop before whom obedience is promised is also under the constraints of obedience (p.26), observing that in the Benedictine tradition obedience is a communal understanding, since all in the Church 'obey in the context of listening to God in each other....obedience may be seen in the context of the wider and deeper calling of the Church and individuals in Christ' (p.25). Later, in a consideration of the phrase which qualifies the obedience promised, 'in all things lawful and honest', the authors write:

- a. *The phrase 'lawful and honest' – or in the original Latin, licitis et honestis – has been widely debated. Honestis means something like respectable, honourable, worthy, virtuous, upright. This phrase reminds us that for Christians there is always something more important than being legally correct. Sometimes, even in the Church, laws are not virtuous and conflict with fundamental Christian principles' (p. 26).*

228 This important insight also makes it possible, and indeed in a divided Church likely, that for different persons conflicting principles may nevertheless strike different persons as overriding the requirements of canonical obedience.

'Collegiate conscience' and the individual bishop

229 The 'collegiate conscience' could be a good way of expressing how the episcopate might approach its necessary relational work, acknowledging as it does the subjective nature of individual scruple and setting it in the context of a mutually held bond. This is especially vital since the invocation of conscience is more likely to be made where the institution itself is fractured. The Pauline division of the body as Paul writes of it in 1 Corinthians 8, where conflicts of conscience occur between 'weaker' and 'stronger' members, boldly places the wellbeing of the 'weak' in the hands of the 'strong', creating a situation in which the confident in faith are responsible for the fragile wellbeing of their conscience-troubled neighbour. Yet in a situation where both sides perceive themselves as simultaneously confident in faith *and* vulnerable to threat, who will step forward first to have a care for the other? That question is too often framed as one about power – and of course it is - but it is first and foremost a question about

⁶⁹ 'To Proclaim Afresh', pp.22-3

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relationship. In the family of the Church 'knowledge' gives way to 'love', not the other way round.

230 It is, therefore, no wonder that in a disagreeing Church the episcopate should find itself wounded in its collegiate fellowship. Its wounding is not a new thing, not a fracture to come out of the blue on a substantially unified body. Ours is a Church with a long history of containing moral and doctrinal disagreement - as, for example, our highly equivocal historical liturgies of eucharist attest. It has happened well, and it has happened badly. More recently, episcopal disagreement on grounds of conscience has figured largely in the settlement over the ordination of women to the priesthood and roughly two decades later to the episcopate.

231 So, we do not come to this without a substantial body of thought and practice to ponder. The work done on episcopal collegiality over the last twenty-five years, alongside the factors that mitigate collegial fracture, offer resource for our current somewhat different dilemmas.

232 There is, first, a high understanding of collegiality as expressing unity. The authors of *Communion, Conflict and Hope*, writing in 2007 for the Inter-Anglican Theological and Doctrinal Commission, see 'the episcopate as by nature and calling collegial'. Its bonds are the bonds of *koinonia*, and

- a. *koinonia* is not an optional extra or luxury for the episcopate. Rather, it is of the essence of the sacramental charism of episcopal ordination and serves the baptised who have been called by God to bear witness to the glorious gospel of Christ in a broken and violent world hungry for peace, freedom and healing.

233 In developing the point, they add that:

- a. *...it is the special collegial responsibility of the bishop to be at prayer for and with fellow colleagues. This is particularly relevant for those bishops who are in conflict with one another. Their failure to attend fervently to this ordinal vow weakens the body of Christ for which they have responsibility'. This in turn weakens the bonds all the baptised share with one another.*⁷⁰

234 Returning for a moment to Paul's vision of the strong deferring to the weak, this inter-Anglican picture of episcopal mutual care sees that deference not necessarily as *agreement*, but in the 'fervent' attention to the ordinal vow to prayer 'for and with' each other. Bishop Anne Hollinghurst, writing of the outworking of the *Five Guiding Principles*, illustrates the same point in this way:

- a. *If 'flourishing' speaks of health, growth and fullness, it becomes clear what it cannot mean. It cannot mean pretending we are not part of the same Church. We cannot desire and act to enable the flourishing of another unless we are in relationship.... this challenge of building trust*

⁷⁰ *Communion, Conflict and Hope*, Inter-Anglican Theological and Doctrinal Commission (2007), para 21.

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*is a significant factor in the practice of translocal oversight by those of us who are among the first female bishops.*⁷¹

235 'Flourishing' is always impaired by concerns about the nature and form whereby power is shared between those of differing convictions. Rowan Williams, responding in the General Synod debate in February 2012 to a discussion of the Draft Bishops and Priests (Consecration and Ordination of Women) Measure, makes a very helpful distinction between what it is to 'delegate' authority and what it is to 'derive' authority in shared episcopal oversight. Essentially the point he makes is that the authority received by ordination (of priests or bishops) is *derived* from the Church's act of ordination: 'Any ordained person receives— 'derives'— the authority for preaching, teaching and ministering the sacraments in general as part of who they are before God *by the Church's act in ordination*'. However, the 'legal authority' which allows a deacon, priest, or bishop to minister within an area 'where there is a legally, canonically constituted diocesan bishop' happens by *delegation*. Yet the authority received by delegation in this way 'doesn't in any sense *qualify* the authority they receive from the Church at large... it's quite clear that a diocesan bishop inviting *another* diocesan bishop to act in his or her diocese, does it by way of delegation'. Yet, he points out, 'There's no suggestion that the other diocesan bishop somehow becomes a 'subordinate' (in terms of theological order) to the bishop making the request and issuing the permission.' This distinction allows an integrity of authority to be maintained between those of differing convictions without putting a representative (as it might be) of one particular conviction in a weaker position than that of their delegating diocesan who holds an opposing conviction.⁷²

236 Paul Avis sets the collegial episcopal bond in line with the patristic tradition in his 2017 article 'Bishops in Communion?' where he affirms the 'basically Cyprianic ecclesiology' of Anglicanism in which the first 'ecclesiological maxim' for the Church is derived from St Cyprian, that 'the episcopate⁷³ is a collegial unity of equals, existing in indivisible solidarity (*episcopatus unus est*),⁷⁴ followed by a second Cyprianic maxim which affirms the unity of the faithful in a diocese with their bishop.⁷⁵ He invokes in his article Anglican teaching documents which affirm the principle of unity in the same terms, notably *Episcopal Ministry* (1990) and the *Virginia Report* of 1997⁷⁶. Elsewhere Avis observes that the House of Bishops' introduction to the Ordinal stresses episcopacy as a 'sign of apostolic continuity...

⁷¹ Anne Hollinghurst, 'Episkope and Gender' in *Episkope: The Theory and Practice of Translocal Oversight* (SCM 2020) ed Standing and Goodliff.

⁷² See <http://rowanwilliams.archbishopofcanterbury.org/articles.php/2349/general-synod-archbishop-rowan-speaks-in-debate-on-women-bishops.html#transcript>

⁷³ He includes in this, in passing, 'suffragan, assistant and auxiliary bishops in a diocese'.

⁷⁴ Paul Avis, 'Bishops in Communion? The Unity of the Episcopate, the Unity of the Diocese and the Unity of the Church', *Ecclesiology*, (2017).

⁷⁵ The point is made with a slightly different emphasis in the 2000 House of Bishops document *Bishops in Communion*: 'As the bishop is both chief pastor of the local church and a member of the universal college of pastors, the bishop is the personal focus of communion between the local church and other churches' (p.16).

⁷⁶ Avis, pp. 5-6

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required for the full, visible unity of the Church⁷⁷. The implication of this gloss on the Ordinal is that without unity the apostolic continuity is in danger of fracture. This is not a process point. It is the reading of a spiritual sign.

237 Avis is clear that he sees the Anglican Church ‘skating on the thinnest of thin ice, ecclesiological speaking’ so far as unity is concerned, since the instantiation of the *Five Guiding Principles* following the admission of women to the episcopate acknowledges and manages division. It honours ‘the admonition of the Eames Commission that all concerned should endeavour to maintain the highest degree of communion that is possible’; but Avis points out that the ‘highest degree possible’ is still an ‘impairment of sacramental communion’. Having acknowledged the ecclesiological fragility of the present arrangement (mitigated by what he calls ‘habits of courtesy’), the rest of his article considers some essentially relational theologies and practices that allow those fragile bonds to cohere even under pressure. These he names as:

- a. *(i) reception, an ongoing process of spiritual discernment); (ii) economy, whereby a temporary anomaly in practice may be tolerated for the sake of securing a higher principle; and (iii) charity, ‘the very bond of peace and of all virtues.’ Can economy, in the context of reception and motivated by charity, provide some flexibility, some room for manoeuvre, that will hold the church together until the issues are resolved, without limit of time? These dilemmas are acute in the Church of England, but the principles that I discuss are relevant to the Anglican Communion and beyond.*⁷⁸

Are there limits to the individual episcopal conscience?

238 The FAOC document *Communion and Disagreement* (2016) sets the high calling to unity within the particular structure of the Church of England, noting that the system:

- a. *holds together strong conciliar traditions of church government with an episcopal church polity in which the authority of bishops does not derive from that of synods and councils. Indeed, one way of thinking about the Church of England is as a communion of ‘local’ churches, each under the authority of the bishop in communion with the synod.*⁷⁹

239 It’s not entirely clear from this formulation what ‘under the authority of the bishop in communion with the synod’ actually means, or where therefore the weight of authority falls between bishop and synod. So far as conscience is concerned, if ‘the authority of bishops does not derive from that of synods or councils’ but is instantiated elsewhere, it may be that ‘elsewhere’ to which individual bishops make their appeal when opposing conciliar/synodical decisions

⁷⁷ Quoted by Paul Avis, ‘The Ministry of Bishops in the Church of England’ who glosses it as ‘the role of the episcopate in maintaining or cementing the unity and continuity of the Church in time and space’. See *Episkope: The Theory and Practice of Translocal Oversight* (SCM 2020) ed Standing and Goodliff.

⁷⁸ Avis, ‘Bishops in Communion?...’, p 3

⁷⁹ *Communion and Disagreement*, para 38 (2016).

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on grounds of conscience. This may be to a particular understanding of apostolic succession, and/or to the bishop's 'special, though not exclusive responsibility for maintaining the Church in the faith, feeding the people with the truth of the gospel, and discerning how the revelation once and for all given and embodied in the Scriptures is to be applied to the changing world of the present.'⁸⁰

240 For although the authority of bishops is held within the synodical structure, where the structure itself is – with difficulty - containing deep disagreement, there arises equally deep unease about whether synodical decisions can be said completely to satisfy conscience within a divided episcopate. The extra emphasis on the bishop's role in respect to faith and order, alongside a tendency to confuse the synod with a secular form of parliamentary democracy, adds some further tension, particularly where voting margins are narrow, as they have been for the Prayers of Love and Faith.

241 No individual bishop's conscience is therefore simply personal, as might be the case for an individual making a decision with limited institutional impact. The representative nature of the episcopal calling requires a bishop to carry the consciences and convictions of all those for whom that bishop has oversight. Episcopal oversight means taking pastoral responsibility for those with opposed convictions – not only those opposed to each other, but those who depart from the bishop's personal view. At this point every bishop has to negotiate a difficult tension between the spiritual discipline of holding and honouring opposed views and the conscientious application of authority in teaching and discipline. The latter may well arise out of personal conviction, but it will be rooted in an understanding of what the wider Church should or does uphold. Where that line might be drawn is constantly informally negotiated but is institutionally unagreed. In an atmosphere of low trust, such as the Church currently endures, the very widespread informal adoption of pastoral care and honour across the bounds of conviction will a) neither be felt to be enough by those for whom the bishop cares and b) may trouble the individual bishop's personal conscience if they see it as infringing what they understand to be the position of the Church they represent, particularly given the ambiguity as to how bishops may regard synodical decisions. This is what leads to the inconsistent application of discipline over matters of conscience and principle from diocese to diocese.

242 There are limits to episcopal authority as it is wielded over congregations and the volunteers that make up the bulk of church structures. Where episcopal authority mostly lands is with the clergy. By the same token, the personal costs of inconsistent applications of discipline will also largely be paid by the ordained, with consequences for clergy recruitment, retention, and morale. That said, the impact of structural differentiation on mission, lay involvement and congregational understanding should not be underestimated just because it is impossible to control and hard to mitigate. It is a real cost to complicating church structures.

⁸⁰ Quoted from *The Mission and Ministry of the Whole Church* (FAOC, 2007) in *Communion and Disagreement*, para. 38 (2016).

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The place of collegiate conscience in mitigating the costs of division

243 The individual bishop burdened with conscience over a matter on which the Church disagrees is therefore in a very difficult position. There is the fundamental call to ‘inhabit the mind of Christ’ made in Philippians 2.2. This, write Alexander and Hordern, is characterised ‘both by common passion for Christ and, as an inevitable consequence of sin, by passionate disagreement about the nature of Christ’s gospel and its implications.’⁸¹ This suggests that the ‘collegiate conscience’ might also work itself out in the seeking of reconciliation, or at any rate of wrestling together concerning what the new thing means. For the bond of *koinonia* is not the same thing as stasis, nor stasis the same thing as faithfulness. Living traditions call for:

- a. *constant dialogue and discernment about the relationship between the faith which is to be proclaimed and the fresh proclamation of that faith [reminding us that] ...the Church is called neither to nostalgia (as if the faith once proclaimed were now a fading memory) nor to novelty (as if the faith once proclaimed is insufficient for the present moment)... This is the true meaning of ‘tradition’.*⁸²

244 It is also the case that not all conscience-led convictions are essentialist. Some are; but others find their reconciliation in, for example, the concept of a ‘bearable anomaly’; others still will give due weight to one principle over another without necessarily being, personally, absolutely morally comfortable with the position they therefore find themselves supporting. Few institutional decisions are fully free of moral compromise; and it may be that most of the decisions bishops find themselves making are in this comparative category. It is not clear what makes a conscientious decision by a bishop – that is, a decision that must weigh up the impact on others, institutionally and pastorally -- subject to essentialist rather than comparative judgments.

245 All this is to say that the bishop burdened with a conscience that speaks against the collegiate mind may do so in absolute freedom and without limit, but only at the cost of rupturing the unity which the office of bishop also expresses. If reconciliation is out of reach and only a settlement can keep the Body together in some sort (as has been the case with the ordination of women), it is certainly true that structural distance allows a greater variation of practice without the mutual wounding of conscience. It also makes the exercise of mutual charity so much the more urgent, because groups become defined by how they have drawn apart more readily than by what holds them together. This is the area in which the collegiate conscience might work most fruitfully and with the highest degree of accord across difference.

246 For the price of settlement is high. It might indeed be worth it, the least of a set of bad options. Its advantages include clarity and a measure of institutional safety, especially for clergy. But its provisions need to prove themselves necessary in their detail and in their proportion, inviting sparing and careful use. If reconciliation is not within reach, what is the individual bishop, or minority of

⁸¹ Hordern and Alexander, para 1.12, glossing Phil.2.2

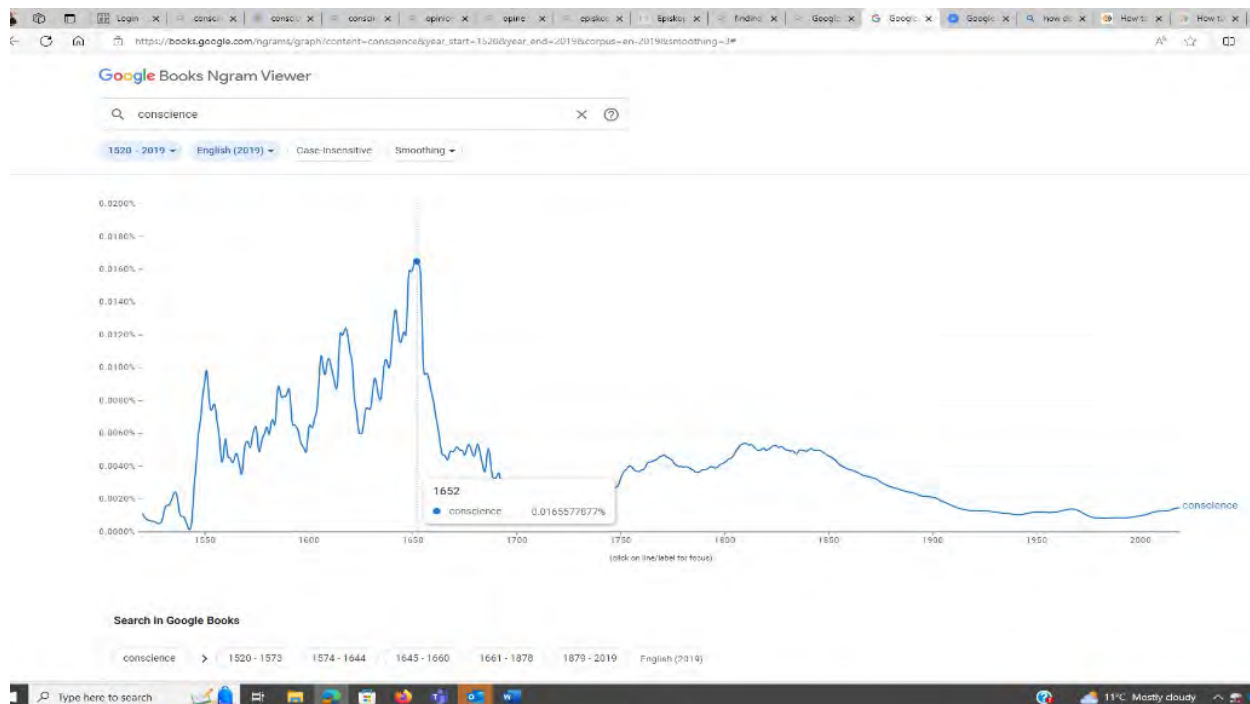
⁸² *To Proclaim Afresh* (FAOC, 2022)

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bishops, prepared to pay? For the one who acts for conscience' sake will not be the only one making the payment. The price will be paid by the whole community, not only now but in the future, and the coin it clips is that unity which is the apostolic sign.

Appendix 1: Google Ngram 'conscience'

247 NB: Google Ngrams plot usage of a word in printed texts, adjusting for numbers of books printed in a given year. It's no more than an indicative tool, not any kind of decisive research function, but this one is nevertheless suggestive. There have, of course, been other passionate debates on conscience proliferating in printed texts after 1689 and into the 19th, 20th and 21st centuries, but they don't exhibit the cultural prominence across all texts printed in English that we see in the sixteenth and seventeenth centuries because the range of books printed spreads across so many more genres and subjects. Nor can this graph show exactly what issues of conscience are preoccupying writers across these different spikes: certainly only a fraction of them will be concerned with the nature of the episcopate.



Section 3: Holy matrimony, civil marriage, and same-sex marriage

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Introduction

248 The proposal to relax discipline toward clergy in same-sex civil marriages raises questions around the relationship between the Church's doctrine and practice of Holy Matrimony and the institution of civil marriage (which, until 2014 was only for opposite sex couples but was altered in 2014 to include same sex couples). In this paper, we explore some of the key theological issues in respect of marriage in the context of the history and long tradition of Christian practice, law, teaching and theological reflection. Part 1 maps some key episodes and developments in that tradition that lend context and greater clarity to our present questions; Part 2 explores some of those questions in dialogue with it.

249 We offer the paper with a keen sense of the profound seriousness of these questions for many people in the Church of England, of different views and situations, in terms of their lives, ministries and their place in the Church. We also do so with some caveats. In the time and with the resources available, we have had to be concise and selective, and work sometimes beyond our areas of specialism. There are significant issues we have not had space and time to cover and those we have considered need fuller contextualisation, historically and theologically, including in relation to further categories (e.g. sex/gender, sexuality). The LLF book and its accompanying papers offer elements of that contextualisation. A closer examination of the global and ecumenical dimensions to the Church's history and these theological questions would also have been desirable had time and resources permitted. Such dimensions must not be lost sight of in the reflection and deliberation in which the Church of England is currently engaged.

Part 1: Christianity and marriage in the long tradition**Marriage in the early church**

Why was marriage (and remarriage) contentious in early Christianity?

Why did early Christian authors sanction the practice of marriage alongside virginity, with what theological reasonings, with what doubts about legal rights and the benefits of marriage (including transfer of property and wealth)?

How does 'the goods of marriage' emerge as a category in this context?

250 There was no separate Christian institution of marriage in the early centuries of the Church. Rather, Christians in the Roman Empire negotiated various relationships to the civic institution, from rejection to accommodation. Marriage in Roman society was formed by mutual intent to live together as husband and wife, though betrothal and marriage were often ritualised. There was no such thing as a

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'Christian wedding,' though blessings for the newly married appear in East and West from the late second century.⁸³ Marriage was valued, especially by the aristocracy (including, in the C4th, many Christian aristocrats), for producing legitimate heirs and a legitimate way of passing on the family name to children, as well as a means to acquire wealth. Marriage and procreation were also seen as part of citizens' civic duty to ensure the continuation of the social order (and were incentivised under imperial laws issued by Augustus).

251 Whether Christians should marry again after the death of a spouse, and, if married, be sexually active in marriage, as well as how to interpret key passages in the teaching of Jesus and Paul (Mt 12:46-50 and parallels; Mt 19.1-12 and parallels; Mt 22.22-33 and parallels; 1 Cor. 7), were matters that were vigorously contested throughout the second century. On the one side were radicals advocating compulsory celibacy (*encrateia*) as a return to prelapsarian intimacy with God or as a participation in the resurrection, in an eschatological context of significant discontinuity with the age passing away and its mores (including those of the OT). On the other were those advocating a vision of an ideal, monogamous Christianised household, continuing an institution founded in creation (as set forth in the Pastoral Epistles), with echoes in contemporary philosophical ideas of marriage emphasising harmony, friendship and sexual restraint. The defence of marriage, the household and procreation became part of the boundary drawn by thinkers like Irenaeus and Clement between orthodoxy and heresy in the late C2nd, with the rejection of marriage cast as a heresy (cf. 1 Timothy 4:3). However, radical teachings persisted into the C3rd, while figures like Tertullian, Cyprian and Origen developed moderate positions which elevated celibacy over marriage (which they, like the radicals, linked to the fall) while permitting marriage as lesser evil to fornication. Less extreme C4th versions represented celibacy as imitating and participating in God's own virginity, in contrast to marriage as bound to an economy of death, danger, sorrow and anxiety (e.g. Gregory of Nyssa).

252 In the C4th, the conversion of Roman elites and the process of Christianising their culture (or accommodating Christianity to it), together with the growth of the ascetic movement, helped fuel these conflicts between radical and moderate asceticisms and the defenders of marriage. In this context, John Chrysostom in the East and Augustine of Hippo in the West articulate the most developed theologies of marriage of this period, revising the moderate ascetic position to affirm both the everlasting, angelic superiority of celibacy and the goodness of marriage in this life. In *On the Good of Marriage*, Augustine identified the original purpose of marriage in God's creative intent to bind humans in society by having children together. In this way, Augustine conceived of marriage as a primary form of human friendship, between those walking side-by-side together.

⁸³ E.g. Clement of Alexandria, *Paedagogus*, 3.11; Tertullian, *Ad Uxorem*, 2.8.6. It is possibly implicit in Ignatius of Antioch's *Letter to Polycarp*, 5.2.

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253 Augustine taught that, after the fall, the bond of trust between man and woman and the duty of mutual faithfulness it creates also serve to redirect powerful, disordered sexual desire to the honourable end of procreation. Sexual intercourse serves the purpose of strengthening marriage but, when lustful, involves sin. In Augustine's words, 'Intercourse in marriage, then, when undertaken to beget children, carries no blame. When indulged to satisfy lust, so long as it is with a married partner, it bears only venial blame because it preserves fidelity to the marriage-bed.'⁸⁴ Augustine explains that marriage makes venial blame, 'pardonable' because marriage promotes an indissoluble 'alliance in fidelity'.⁸⁵

254 Augustine thought that the significance of that social and spiritual union at the heart of marriage, however, may be present in the absence of childbearing and in (commendable and consensual) abstinence from sex. In the Church, this unity brought about by the sacred bond (*pactum, foedus*) of monogamous marriage is indissoluble and has a special and supreme significance as a symbol of the eschatological unity of God's people and their unity with one God.⁸⁶

Marriage in the medieval church

When and why did the medieval church get involved in marriage formation and dissolution?

When and why did it introduce the issue of consent?

255 Between the eleventh and thirteenth centuries, the Church began to gradually take over the ritualisation of marriage formation and gained increasing jurisdiction over marriage and family life. In this process, the Church was able to shape social reality to a considerable extent according to its own developing theology of marriage. The impetus for this project lay with a reform movement which was responding to the Church's involvement in feudal government and society and the threat posed by feudal institutions to the Church's discipline and ideals.⁸⁷ A series of reforming Popes from Leo IX (1048-54) to Gregory VII (1073-1085) instigated the renewal and systematic study of canon law and the creation of church courts and expansion of their jurisdiction in order to carry out their programme of freeing the Church from secular interference and regulating a Christian society.

⁸⁴ Augustine, *On the Good of Marriage* 7 (translated PG Walsh, OUP, 2001).

⁸⁵ Augustine, *On the Good of Marriage* 5-6 (translated PG Walsh, OUP, 2001).

⁸⁶ Further reading: see the introduction to David G. Hunter, *Marriage and Sexuality in Early Christianity* (Fortress Press, 2018).

⁸⁷ Among the specific triggers for the reform movement was lay barons increasingly taking control of Church lands and assets, as James Brundage argues in *Law, Sex and Christian Society in the Middle Ages* (1987).

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256 Among the eleventh century reformers' chief goals was the imposition of clerical celibacy, in order to mitigate the danger of liturgical actions and objects being polluted by clerical lust (the canonists argued from OT prescriptions about ritual purity, interpreted in terms of an understanding of sexual passion as a consequence of the Fall). Freeing clergy from marriage, it was thought, helped free the Church from lay influence and control. These goals were pursued through synodical and papal rulings, reinforced at local level. Their cumulative effect, despite resistance, was to transform clerical marriage into a crime. Celibacy gradually became the norm, especially among higher clergy, over the course of the C12th.

257 The Church courts during this time successfully secured exclusive jurisdiction to adjudicate marital litigation. Canonists used church power to try to reform lay marriage, whose goodness continued to be upheld on the basis of Augustine's arguments in *On the Good of Marriage*. They promoted the Roman law (and patristic) view that the mutual consent of the spouses (via their making a *pactum*) made a marriage, thus weakening the role of parents and families in marriage formation. In this way, however, the reformers also inadvertently lent legitimacy to clandestine marriages. Because such marriages were easily abused and sometimes scandalous, the reformers promoted the idea of 'legitimate' marriages – those contracted publicly, formally, and with due solemnity – and imposed penitential discipline on secret marriages. To this same end, clergy began playing more of a role in wedding rites. Through the course of the C12th, the Church gradually took over the ritualisation of marriage and increasingly required the rite take place in church premises. In 1215, the Fourth Lateran Council formally required all marriages to be contracted in public.

258 The canonists also ruled out intermarriage between related groups of families by introducing rules (derived from a selective reading of OT law) about the degrees of consanguinity and affinity within which marriage was prohibited. (James Brundage has argued that these rules also functioned as a way of weakening powerful aristocratic blocs).⁸⁸ At the same time, they sought to impose strict monogamy and to insist ever more upon the indissolubility of marriage (albeit with certain exceptions), against aristocratic mores of making and dissolving marriages to suit dynastic purposes. During this time, the Parisian theologians Hugh of St Victor (c.1096-1141) and Peter Lombard (1100-1160) further developed Augustine's understanding of the symbolism of marriage within a comprehensive theology of creation, salvation and sacred signs. Marriage as a 'compact of love' between man and woman was instituted by God in creation that it might signify the union between God and the soul; and, as a mingling of flesh, that it might signify the union of Christ and the Church (Hugh of St Victor, *On the*

⁸⁸ Brundage, *Law, sex and Christian society in medieval Europe* (Chicago: The University of Chicago Press, 1987). 192-3.

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Sacraments II.11, cf. Eph. 5.22-33). This sacramental character of marriage (between baptised Christians) underlined the significance of consent and indissolubility, which Pope Innocent III sought to enforce amongst the aristocracy. The Fourth Lateran Council (1215) closed loopholes to indissolubility often employed by the aristocracy by promulgating forbidden degrees of relation, stipulating the reading of banns, and tightening rules about evidence in consanguinity cases.

The estate of marriage in early modernity

When, why, and how did the category of 'the estate of marriage' and related marriage law develop in the Church of England in the early modern period?

259 The word 'state'/'estate' to describe marriage in the Church of England's sixteenth-century formularies ('an honourable estate') had been used similarly in English before but acquired new liturgical prominence and significance in the Reformation. Marriage is an 'estate' in the sense of a station or calling in life; and the formularies describe singleness as an 'estate' in the same way (on singleness, see further below).

260 In the preface to the Prayer Book's 'Form of Solemnisation of Matrimony,' marriage is described as 'an *honourable estate*, instituted of God in the time of man's innocency' and later in the same sentence as a '*holy estate*.'⁸⁹ This language is reflected also in the Second Book of Homilies (1571), whose eighteenth sermon is 'Of the *state* of matrimony.' That it is described as an honourable estate in the marriage service implies that it is not the only one. Article 32 (Article 31 in the Forty-Two Articles from 1553), 'Of the Marriage of Priests' mentions another:

Bishops, Priests, and Deacons, are not commanded by God's Law, either to vow the estate of single life, or to abstain from marriage...

261 The notion of 'states'/'estates', however, is wider than matrimony or singleness. At its broadest, it means any condition of life whatsoever: for instance, in the First Book Homilies (1547) the author exclaims of an adulterer who abandons his wife, 'O how damnable is the *estate* wherein they stand!' More narrowly, however, an 'estate' describes an aspect of one's existence in terms of something like a 'station' or 'calling' – a way of being that defined one's social status and obligations.⁹⁰ Article 25 lists the five 'commonly called Sacraments,' before saying that though they 'are not to be counted for Sacraments of the Gospel,' they may nonetheless 'partly are *states of life* allowed in the Scriptures.'

⁸⁹ 1549 Prayer Book: "an honorable estate instituted of God in paradise, in the time of man's innocencie..." 1553 Prayer Book drops the 'e': "an honorable state...which holy state." There is evidently no difference in meaning between 'estate' and 'state.'

⁹⁰ The OED definition 1(a) for estate is 'State or condition in general,' while 1(b) is 'a special state or condition; a condition of existence.' Definition 3(a) is 'Status, standing, position in the world.'

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262 The historic formularies name and endorse two estates pertaining to the ordering of one's family life – marriage and singleness. These two estates are mutually exclusive, equal callings, that between them comprehend all persons; and both require chastity (exclusivity within marriage, celibacy without – cf. First Book of Homilies, sermon XI). An early Reformation critique of the Roman Church (shared by Catholic humanists such as Erasmus) was the sexual ill-discipline of its monks and clergy: forbidden to marry, some notorious priests and brothers nonetheless kept women as 'housekeepers' and similar.⁹¹ The explicitness of a dichotomy between the estates of marriage and singleness hailed from the impetus for moral (as well as doctrinal) reform during the Renaissance and Reformation. By describing marriage as an 'estate,' Cranmer was reaching for a way to specially dignify marriage by a specific designation without describing it as a sacrament. The word 'estate' had been used for marriage (and virginity and widowhood) before,⁹² but it acquired liturgical prominence and significance during the Reformation. The phrase 'Gods ordeynance in the holy estate of matrimonie' is a novel insertion in the 1549 rite into the otherwise unchanged consent formula from the Sarum Use.⁹³ Marriage for the Reformers was no longer to be considered a sacrament: what kind of thing, therefore, was it? An honourable (temporal) *estate*. That seems to lie behind the language Luther uses in his 1529 *Ein Traubüchlein für die einfältigen Pfarrherr* ('A marriage booklet for simple pastors' – a brief discussion of marriage followed by an outline liturgy) which says of the 'Divine estate [*Goettlichen stand*]' of marriage, that 'even if it is a *worldly estate* [*weltlicher stand*] it does have God's Word in its favour and was not invested or instituted by men, as was the estate of the monks and nuns.' Marriage can be described as God's calling and appointment more accurately than can the monastic life. Luther's blessing upon the couple entreats God who has '*ordained* them to the married estate' [*...zum Ehestand verordnet hat*']. Similar language is found in Calvin's 'La Maniere de Celebrer le saint Mariage' (in *La forme des prières et chantz ecclésiastiques*, 1542), where the couple are asked, 'Do you want to live in this *holy state of marriage*, which God has so greatly honoured?' [French: *voulez vous vivre en ce saint estat de mariage, que Dieu a si grandement honoré?*].

⁹¹ Cf. Julian Rivers, 'A brief history of marriage law' (unpubl., LLF library, 2020), p. 14. Draft canons prepared in 1535 but never moved owing to the speed of religious reform and political upheaval, sought to impose such strict penance on clergy with concubines that by their own free will they send them away – and yet specified that clergy 'must not be forced to abjure them, lest they incur the accusation of perjury by falling back into the same fornication' (Bray, *Tudor Church Reform*, p. 21). Whether clergy taking concubines was fornication or not, therefore, seems very unclear – the draft canon probably reflects the tension between Henry VIII's conservatism on married priests and his reforming prelates who wanted to allow clergy to wed.

⁹² The OED cites William Caxton in 1483, 'She was in the estate of vyrgynyte, in estate of maryage, in estate of wydowhede.'

⁹³ Cited in K. Stevenson, *Nuptial Blessing: A Study of Christian Marriage Rites* (London: Alcuin Club/SPCK, 1982), p. 135).

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263 By describing marriage as an *honourable* estate, Cranmer was at least elevating it to moral parity with the estate of (avowed) celibate singleness. Precisely because it was a divine gift before the fall meant that it was not a mere concession to sinful human lust. While the early church had so lauded virginity, and the monastic tradition had regarded celibacy as a higher and purer calling, the Reformers were at pains to defend the equal dignity of marriage as a divinely-authored institution – an appropriate estate not only for laity but also for clergy. Meanwhile, the magisterial Reformers needed to defend the holy estate of matrimony from a small but infamous and feared section of the early radical reforming movements that proposed abolishing marriage altogether in favour of free love (several of the ‘Zwickau Prophets’ who so exercised Martin Luther in 1521). That *God himself* had authored the estate of marriage put paid to the notion that it was a dispensable, merely social arrangement.

264 In summary: that marriage is an *honourable* estate both elevates it to at least parity with avowed celibacy against the ascetic teachings of Roman monasticism (thereby providing an apology for clergy being able to wed – a Reformation development that remained controversial well into Elizabeth I’s reign), and defends it from the radical libertarianism of fringe elements in radical reforming movements that sought to abolish matrimony altogether. Thus marriage as an ‘honourable estate, instituted of God in the time of man’s innocency,’ did double duty against Roman asceticism and radical libertarianism. Denoting marriage a holy or honourable ‘estate’, in the context of the Reformation, dignified the institution with a category that is divinely created and so endorsed on the one hand, but *not a sacrament* on the other. The distinctive use of the equivalent *stand* in Luther’s German liturgy and *estat* in Calvin’s French parallels the Church of England’s use precisely.

265 The language of marriage as an ‘estate’ endured through the 1928 Proposed Prayer Book and on into *Alternative Services: Series One*. In the preface to the Series Three marriage service (first published in 1977, then incorporated into the *Alternative Services Book* of 1980) and in *Common Worship*, the language is replaced with the equivalent phrase: ‘a way of life’:

*Marriage is a way of life made holy by God...
N and N are now to enter this way of life...*

266 This represents a renewal in formal liturgical commitment that ‘marriage’ or ‘matrimony’ (which are interchangeable terms, see Q.5 below) is uniquely such a ‘way of life’.

267 Despite profound theological development concerning the nature of marriage (especially concerning its status as a sacrament and its standing vis-a-vis avowed celibacy) during the Reformation, there was remarkably little change to marriage law in England during the early modern period. Revisions of Canon Law between

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1575 and 1604 codified regulations related to preliminaries (banns), parental consent, age, prohibited degrees, and times and dates of weddings; but meaningful change to marriage legislation in England did not come about until the 1750s.

'Goods of marriage' in the *Book of Common Prayer* and *Common Worship*

How and why do what are called 'goods of marriage' come to be enumerated in the BCP marriage service?

How does this relate to the Augustinian tradition on 'the good(s) of marriage'?

What is the relationship between the account of such goods between the BCP and Common Worship?

268 The *Book of Common Prayer* lists three 'purposes' for marriage in its preface to the rite. 'First...for the procreation of children'; second, 'for a remedy against sin, and to avoid fornication'; and, third, 'for the mutual society, help, and comfort, that the one ought to have of the other'.

269 These 'purposes' are first articulated in the *King's Book* of 1543, which offers three 'goods' of marriage. The first is 'the coniunction of Christe and the church together'. In Cranmer, this is given a more prominent role than inclusion in a list of 'purposes', appearing as the overarching metaphor of the preface: 'the mystical union betwixt Christ and his Church'. However, the *King's Book's* other 'goods' of 'the fayth and mutuall promise' and 'the child that cometh of maryage' are mirrored in the *BCP*. They are brought into the liturgy as part of Cranmer's presentation of marriage and its meanings for Church and State.

270 All the *BCP's* 'purposes' draw on the Augustinian tradition as it appears in *On the Good of Marriage*. In this treatise (as well as in his commentary *On the Literal Interpretation of Genesis*), Augustine lists three goods that belong to the good of marriage as 'faithfulness, offspring, and the sacrament.' The first two of these translate across straightforwardly. While in Augustine, marriage was not conceived of as 'a sacrament' in the formal, restricted sense, it came to be so numbered among the seven sacraments of the medieval church. Though marriage, in the Reformers' understanding, ceased to be named as a sacrament in that sense from the Ten Articles of 1536 onward (cf. Article XXV), the character of marriage as a sacred sign of Christ's love for the Church is retained in the Prayer Book's liturgy ('signifying unto us the mystical union that is betwixt Christ and his Church').

271 The Prayer Book's characterisation of one purpose of marriage being 'for a remedy against sin, and to avoid fornication' is influenced by Augustine (deriving in part of course from its Pauline source in 1 Cor.7.9). While the sense of marriage as a remedy may recall both the sacramental tradition of marriage as

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remedium concupiscentiae and Luther's interpretation of the estate of marriage as a hospital for sinners, this emphasis is closely connected here to the focus on the avoidance of sin.

272 The 'purpose' Cranmer attends to next, 'the mutual society, help and comfort, that the one ought to have of the other', came into the *BCP* via reformed German marriage liturgies. It also indicates an Augustinian influence: 'for those who walk together, and together observe the direction which they are taking, are joined side by side in unity.'⁹⁴ The way in which Augustine characterised marriage as good – as both the 'first natural bond of human society' and as the institution God has ordained to redirect and moderate sexual desire – thus influences the tone of the *BCP* marriage service. The Prayer Book's framing of marriage as a measure against fornication is complemented by its more positive framing of the place of sexual intimacy in the vows 'to have and to hold' and the promise, 'with my body, I thee worship'. This further strengthens the celebratory tone of the solemnization of marriage. Note, therefore, that we need not assume that the Prayer Book, while significantly indebted to Augustine's thought, stands foursquare behind Augustine's precise characterisation of the role of sexual intimacy in marriage: indeed, the words of the vows—'to have and to hold' and 'with my body, I thee worship'—indicate a more sex-positive interpretation. Moreover, as above, the celebration of the goodness of bodily life is itself a strongly Augustinian theme and so the *BCP* arguably holds together different elements of Augustinian thought.

273 The 1928 reform of the *BCP* liturgy developed language to articulate in more detail this celebratory tone for describing sexual intimacy within marital faithfulness. The begetting of children remains marriage's first 'purpose'; the second is characterised as the purpose by which 'the natural instincts and affections, implanted by God' should be 'hallowed and directed aright'. *Common Worship* furthers the trajectory begun in the *BCP* of framing sexual faithfulness in marriage in terms of both its positive purpose as well as its purpose to prevent sin, by declaring in more explicit terms that 'the gift of marriage brings husband and wife together in the delight and tenderness of sexual union and joyful commitment to the end of their lives'. The preface concludes its enumeration of the purposes for which marriage is given by God by celebrating marriage as 'the foundation of family life in which children are born and nurtured'. The repositioning of this good of marriage does not indicate its relegation in esteem, however. Recall that Augustine placed *sacramentum* as the *concluding climax* of his account of the three goods. Instead, the reordering perhaps follows an implicitly chronological vision in which children proceed from sexual intimacy (and acknowledges tacitly, in the optional omission of the words 'born and', that children are not an inevitable good of marriage or may already be part of a family before a marriage is solemnised).

⁹⁴ Augustine, *On the Good of Marriage* 1 (translated PG Walsh, OUP, 2001),

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274 We see, then, across these liturgies, a stable vision of marriage as icon of the joining of God and his people, Christ and his Bride. We see also a consonance in its goods and purposes that affirms exclusive faithfulness and a vision of lifelong companionship between one man and one woman as the context both for a celebration of God’s gift of sexual intimacy and for the begetting and raising of children.

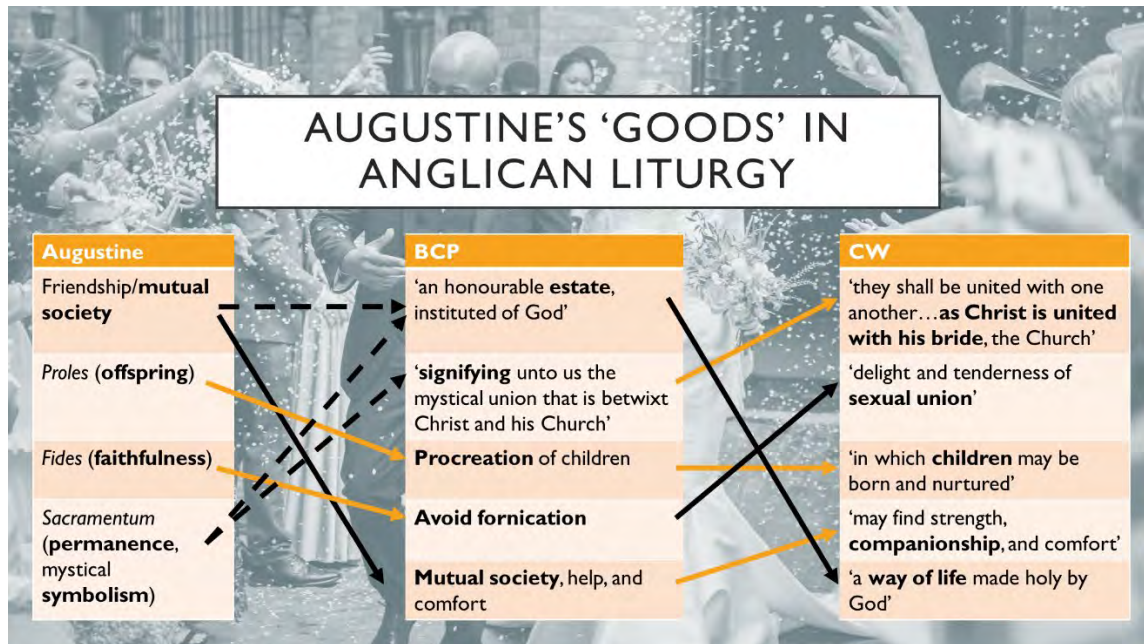


Figure 1: Continuity and development in use of Augustine's 'goods' in Anglican marriage liturgies

The emergence of civil marriage

When does 'civil marriage' appear as a legal practice? With what purposes?

How does the distinction between civil marriage and Holy Matrimony develop in law?

275 The first law to be passed in England requiring a ceremony formally recognised by the State was the 1753 Marriage Act ('An Act for the Better Preventing of Clandestine Marriage'). It is worth noting that the term 'marriage' is used interchangeably with 'matrimony' in the Act ('marriage' occurs 43 times and 'matrimony' 10 times). Similarly, this interchangeability of 'marriage' and 'matrimony' is also characteristic of the BCP in which they are consistently treated as synonyms (see box below). In short, there is no suggestion of any difference in meaning between the two terms.

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'Marry', 'Married', 'Marriage', and 'Matrimony' in *The Form of Solemnization of Matrimony* (1662 Book of Common Prayer).

- 'First, the Banns of all that are to be **married** together must be published in the Church ... the Curate saying after the accustomed manner, I publish the Banns of **Marriage** ... If any of you know cause, or just impediment, why these two persons should not be joined together in holy **Matrimony** ...'
- 'And if the persons that are to be **married** dwell in divers Parishes, the Banns must be asked in both Parishes; and the Curate of the one Parish shall not solemnize **Matrimony** betwixt them, without a Certificate of the Banns ...'
- 'At the day and time appointed for solemnization of **Matrimony**, the persons to be **married** shall come into the Body of the Church ...'
- 'Dearly beloved, we are gathered together here in the sight of God, and in the face of this Congregation, to join together this man and this woman in holy **Matrimony** ...duly considering the causes for which **Matrimony** was ordained.'
- 'It was ordained for a remedy against sin, and to avoid fornication; that such persons as have not the gift of continency might **marry** ...'
- 'And also, speaking unto the persons that shall be **married**, he shall say ... if either of you know any impediment, why ye may not be lawfully joined together in **Matrimony**, ye do now confess it ... neither is their **Matrimony** lawful.'
- 'At which day of **Marriage**, if any man do allege and declare any impediment, why they may not be coupled together in **Matrimony** ... the persons to be **married** ...'
- 'N. wilt thou have this woman to thy wedded wife, to live together after God's ordinance in the holy estate of **Matrimony**?'
- 'N. wilt thou have this man to thy wedded husband, to live together after God's ordinance in the holy estate of **Matrimony**?'
- 'Who giveth this woman to be **married** to this man?'
- 'O God, who by thy mighty power hast made all things of nothing ... didst teach that it should never be lawful to put asunder those whom thou by **Matrimony** hadst made one: O God, who hast consecrated the state of **Matrimony** to such an excellent mystery, that in it is signified and represented the spiritual **marriage** and unity betwixt Christ and his Church ...':
- 'Almighty God, who at the beginning did create our first parents, Adam and Eve, and did sanctify and join them together in **marriage** ...'
- 'All ye that are **married**, or that intend to take the holy estate of **Matrimony** upon you ...'
- 'Saint Paul, in his Epistle to the Ephesians, the fifth Chapter, doth give this commandment to all **married** men ...'
- 'Likewise the same Saint Paul, writing to the Colossians, speaketh thus to all men that are **married** ...'
- Hear also what Saint Peter, the Apostle of Christ, who was himself a **married** man, saith unto them that are **married** ...'
- 'It is convenient that the new-**married** persons should receive the holy Communion at the time of their **Marriage**, or at the first opportunity after their **Marriage**.'

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- 276 Before the 1753 Marriage Act, the principal legal requirement was simply that an Anglican priest should officiate. The Act made provision for Jews and Quakers to be exempt from its scope, and it did not apply to marriages in Scotland; but in most other cases it amplified the role of the Church of England. Marriage became legally valid only after either publishing banns or the couple obtaining a license. The purpose of the 1753 Marriage Act was to punish (and thus deter) clergy who conducted marriages secretly (including so-called 'Fleet marriages'), without publishing banns, and thus to reduce the number of such secret marriages and the associated unregulated transfer of family fortunes.
- 277 This civil control of marriage was thus inseparable from church marriage. The Act was, as many historians report, part of a project to increase the power of the State. It marks a shift in eighteenth-century England from medieval marriage as an exchange of binding promises and physical union to a practice regulated in civil law (not only church law) by banns, parental consent, clerical intervention, and the presence of witnesses.⁹⁵ By contrast in Scotland marriage remained a matter of the simple exchange of consent until legal changes in 1939.⁹⁶ (There had been a lot of clandestine marriages in Gretna Green.)
- 278 Marriage itself becomes a central theme in the English novel in the eighteenth-century expressing a fantasy of 'proper ceremony' and an 'idealized rural English Parish',⁹⁷ with clergy figuring prominently. The project of state power is accompanied by a moral imagination about English social rightness. It remains a central plot device into the nineteenth century, subverted and transformed in the novels of Burney, Austen, the Brontës, George Eliot and many others, in relation to themes of power, control, transfer of wealth, and women's agency.
- 279 This marks a shift in historical explanation: from the idea that the rise of civil marriage reflects a rise in secularism (a prominent fantasy in 1960s historiography) to the idea that civil marriage is an expression of changing English political and moral imagination and its consolidation in law and literature. It is persuasive to the extent that it draws attention to the ongoing centrality of (Church of England) clergy.
- 280 The Marriage Act 1836 ended the requirement for marriages to be solemnised in a Church of England building. It thus became legally permissible for others, and in particular Roman Catholics, to marry in their own churches – or indeed, to

⁹⁵ Christopher Lasch, *The Culture of Narcissism: American Life in an Age of Diminishing Expectations* (London: Norton, 1979).

⁹⁶ Eleanor Gordon, 'Irregular Marriage: Myth and Reality', *Journal of Social History* 47:2 (2013), 507–525.

⁹⁷ Lisa O'Connell, 'Vicars and Squires: Religion and the Rise of the English Marriage Plot', *The Eighteenth Century* 52: 3/4 (2011): 383–402, and *ibid*, *The Origins of the English Marriage Plot: Literature, Politics and Religion in the Eighteenth Century* (Cambridge: Cambridge University Press, 2019).

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marry in a registry office without any religious ceremony. The Marriage and Registration Act 1856 later made provision for a civil marriage ceremony to be followed by a church marriage service, as still reflected in the Church of England's Canon B36. In this scenario, the church service has no legal effect and the prior civil marriage is already recognized by the Church of England as marriage.⁹⁸

281 There is debate among historians about how changes in the law related to the attitudes and practices of non-Anglicans (other than Jews and Quakers), and especially Methodists. Methodist attitudes arguably shifted from grudging compliance to the established church to 'a stance of aggressive independence' partly expressed as increased registration of Methodist buildings as places for marriage in the 1870s.⁹⁹ This had been legally possible since the 1836 Act but its practical effects were somewhat delayed.

282 The picture is different outside Britain, where for example civil marriage rises in post-Revolution France and post-1945 Communist bloc countries, at the same time as marriage in general (inside or outside churches) has been falling in Europe since the period 1965-1985 (more in Scandinavia, less in countries with large Roman Catholic and Orthodox populations).¹⁰⁰ The wide variety of historical circumstances, legal frameworks, and ecclesial traditions makes theological generalisation hazardous.

The emergence of same sex marriage

When, why, and how did marriage (civil or ecclesiastical) between two persons of the same sex become conceivable in various societies and in some churches of the Anglican Communion?

283 Same-sex civil marriage is a very recent phenomenon, globally, and one which has diffused rapidly, mainly in Europe and places once colonised and settled by Europeans (Taiwan is the exception here): the Americas and Caribbean, along with South Africa, Australia and New Zealand (see <https://www.hrc.org/resources/marriage-equality-around-the-world>). A few more countries, such as Italy and Bolivia, allow only the legal registration of same-sex couples (civil partnerships) (see <https://www.equaldex.com/issue/marriage>). Before the twenty-first century, only Denmark, France, Iceland, Netherlands, Norway, and Sweden allowed same-sex couples to gain official recognition of their relationship as a registered partnership, beginning with Denmark in 1989. Now same-sex marriages are legal in 37 territories.

⁹⁸ See Rebecca Probert, *Tying the Knot. The Formation of Marriage 1836-2020* (Cambridge University Press, 2021), 91-99, for the background to this change.

⁹⁹ Olive Anderson, 'The Incidence of Civil Marriage in Victorian England and Wales: A Rejoinder' *Past & Present* 84 (1979): 155-62.

¹⁰⁰ Alfred Dittgen, 'The form of marriage in Europe: civil ceremony, religious ceremony. Survey and trends.' *Population. English selection* 7 (1995): 95-123.

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284 Some churches in these countries have changed their doctrine of marriage to include same-sex couples and extended the provision of marriage rites to them, such as the Methodist Church of Great Britain, the United Methodist Church, the Church of Sweden and Church of Scotland. Among them are some provinces of the Anglican Communion: the Episcopal Church (USA) in 2015, the Scottish Episcopal Church (in 2017) and the Episcopal Anglican Church in Brazil (in 2018). Other churches allow the blessing of same-sex married couples, including the Roman Catholic Church in Germany. These include a few more Anglican provinces that allow their clergy to officiate in services of blessing for couples in same-sex civil unions: some dioceses of the Anglican Church of Canada (since 2019), the Anglican Church in Aotearoa, New Zealand and Polynesia (since 2018), some dioceses of the Anglican Church of Australia (since 2019) and the Church in Wales (currently during a 5-year trial period from 2021).¹⁰¹

285 In most cases, the legalisation of same-sex civil marriage and/or civil partnerships has taken place against the background of the decriminalisation of (usually male) homosexual sexual acts and relationships. The histories of these often highly contested developments are complex and will vary to some degree from context to context. We can get some idea of the relevant factors and forces and their interaction from Dagmar Herzog's survey, *Sexuality in Europe* (2011) and Stephanie Countz's *Marriage, A History* (2005).¹⁰²

286 First, these changes have tended to take place in countries where Christian churches have lost their legal and/or socio-cultural hegemony over the meaning and legal status of sexual relationships and actions, marriage and the family, in part through social changes driven by industrialisation and urbanisation - while often retaining considerable political and/or social power and influence. This degree of secularisation has given scope for campaigns for legal reform. Issues relating to sex have gained greater social and political salience, whether in relation to such campaigns, fertility control, public interest in elite sex scandals, anxieties about demographic decline, or public health, and have fed into further secularisation *and* religious renewal.

287 A second factor is the emergence of sexuality as a way of understanding certain human desires, actions and relationships, and of social identities centred on categories of sexuality, beginning in the latter part of the 19th century. Before that time, we know most about male patterns of attraction: men were attracted to others of the same sex (often alongside an attraction to members of the other

¹⁰¹ Andrew Village, Leslie J. Francis and Ursula McKenna, *Research for the Living in Love and Faith project. The impact on Churches of decision-making regarding questions of sexuality and marriage* (2022).

¹⁰² One important limitation of Herzog's analysis, however, is that it does not consider ethnic diversity or geographic or regional variations in Europe. That weakness is replicated in this account.

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sex); they engaged in sexual actions with other men (often as well as members of the other sex), sometimes as part of urban subcultures. Same-sex sex between women was much less visible. Some men formed lasting, close, intimate relationships with those of the same sex (some of which were sexually active), sometimes alongside marriage. Some of those prosecuted for same-sex sex explained their actions in terms of a fixed disposition. However, in these territories, the meanings of sexual desire, relationships and activity were not conceptualised as distinct and coherent complexes of desires, feelings, actions and ideals as now; nor did people tend to conceive of or perform their own identities in terms of such distinct complexes.¹⁰³ Same-sex actions between males were criminalised and understood socially within a larger category of sinful sexual actions distinguished by their non-procreative character: sodomy.

288 The combination of several phenomena contributed to the emerging conceptualisation of distinct, coherent sexual identities and the formation of subcultures around them. These are: public discussion of prostitution and venereal disease, including feminist critiques of the sexual double standard; related efforts to valorise women's sexual agency, experience and sexual pleasure and the re-imagining of connections between love and sexual pleasure within marriage; sex reformers' efforts to promote more pleasurable sex along with contraception (by making advice and counselling available), often with eugenic goals; legal reform and growing gender equality: all drew attention to questions about the nature of sex and sexual desire on the part of men and women respectively. They were the subject of intense debate and of the growing discipline of sex research.

289 Concepts of heterosexuality and homosexuality began to emerge in this context among a range of sexual predilections under study in the early 20th century. Theories of homosexual desire were then drawn into campaigns for the decriminalisation of sodomy, with activists appealing to medical theories that homosexual desire was innate, and homosexuality a minority but natural variant of sexual expression. (Such arguments would yield decriminalisation in Denmark in 1933 and Sweden in 1944). As these categories were debated and decriminalisation contested, they began to be appropriated by people who experienced same-sex desires to express a shared identity and situation, not least in the face of homophobic reactions to public scandals and the way they sought to demarcate lines of normalcy and deviancy through shame and condemnation.

290 A more open, visible homosexuality on the part of both men and women emerged in major European cities in the interwar period, followed by a brutal reaction under fascist regimes in the 1930s and 40s, and a turn to sexual

¹⁰³ See Kim Phillips and Barry Reay, *Sex before Sexuality* (Cambridge: Polity, 2011), for one argument to this effect.

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conservatism in the postwar years. However, the growing acceptability of heterosexual sexuality for married and unmarried people, which happened at different times in different countries, helped create a climate in which decriminalisation could be pursued (and resisted) again—with decriminalisation ultimately succeeding in the UK (with the support of the Church of England).¹⁰⁴ These legal reforms reoriented sex-related laws around values of privacy and consent.

291 Postwar homophobia, so that straight men avoided homosexual encounters, and the growing acceptance of heterosexual sex before marriage, both contributed to a stricter demarcation of more rigid heterosexual and homosexual identities. So, too, did a shift among some homosexual men to seeking encounters and relationships with other self-identifying gay men rather than with those who did not accept that identity. The distinctive identities of gay men and lesbian women would then become the basis of lesbian and gay liberation movements and rights activism from the early 1970s, which decriminalisation made possible and for which the greater sexual freedoms, political hopes, frankness and curiosity about sex in the period of the ‘sexual revolution’ provided an opening.

292 Further, even as more clearly demarcated sexual identities developed, other trends served to erode the difference between them. The increasing valorisation of sexual desire and sexual pleasure as goods in themselves, including outside marriage; the erosion of taboos about discussing sex through advertising; the separation of sex from reproduction through the uptake of reliable contraception (especially the birth control pill); the increasing availability of legal abortion; and the uptake of practices associated with homosexual sex by straight partners: all chipped away distinguishing features attributed to heterosexuality and homosexuality. Public health campaigns to reduce new infections in the HIV/AIDS crisis by promoting safer sexual practices through more explicit messaging led to greater ease with talking about sex and using contraception, and to a more legitimised engagement with heterosexual and homosexual activities and desires; and in so doing showed that differences over sexual preferences ran through, not between these groups. Despite the homophobic reaction to the HIV/AIDS crisis, the eventual result was greater social acceptance for gay, lesbian and bisexual people.

293 Fourth, the changing meanings of marriage in this period, taken together with the other changes explored here, made it possible to imagine and accept it as an ideal which could encompass same-sex couples and which, though contentious in

¹⁰⁴ The Church of England Moral Welfare Council was key in setting up the Wolfenden Committee in 1954, which in its turn was instrumental in the decriminalisation of homosexual acts in 1967. See e.g. Matthew Grimley, ‘Law, Morality and Secularisation: The Church of England and the Wolfenden Report, 1954-67’ in *The Journal of Ecclesiastical History*, vol. 60.4 (Oct 2009), pp. 725-41.

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gay and lesbian movements, could be attractive to some of those couples. In *Marriage, A History*, Stephanie Coontz has traced the development, in Western Europe and colonial societies in North America, of ideals of 'sentimental marriage', centred on personal choice and the goal of meeting the emotional needs of the partners for love, rather than an arrangement furthering the alliances and wealth of the wider family. It was fostered by the greater independence of young people due to the spread of wage labour and Enlightenment values of individual rights and just relations, the rejection of monarchy, and the notion of marriage as a private contract. Its Victorian (middle class) form was a compromise between patriarchy and egalitarianism as well as being a rationalisation of a division of labour between wage earning and the domestic production still needed for essential commodities not readily available to buy. These were seen as separate spheres proper to men and women respectively in virtue of their distinctive natures - the external world of work and politics for husbands as the more rational, active sex; the sanctuary of the home maintained by the wife with her superior moral sense. Husband and wife were no longer united in shared tasks but in shared feeling in the narrowed focus of the immediate family and its home. It largely left the power of husbands over wives unchanged and increased wives' economic dependence on them but tended to make the violent enforcement of male power less socially acceptable. Its combination of high expectations of romantic love, intimacy and personal fulfilment, rigid gender roles and conventions, women's dependence on and legal subordination to their husbands and ideals which opposed an ideal of passionless female purity to male sexual desire and sexual pleasure brought tension and frustration. In the early 20th century, the valorisation of sexuality, including women's sexuality, its representations in popular culture, the greater scope for women's employment and education and freedom thereby to socialise with men unsupervised, the invention of dating, and the availability of marriage counselling and contraceptive advice all helped intensify the romantic love-marriage and therefore to make it more dependent on sexual intimacy and fulfilment (which intensified further still during the 'golden age' of marriage in the postwar boom). Marriage was no more equal, however. The ideal role distribution between breadwinner and homemaker remained, and the sexualisation of marriage placed greater pressure on women to accede to their husbands' demands.

294 The social meaning of marriage was radically and relatively rapidly transformed, however, by a series of trends taking effect between 1960 and the 1980s. The disappointed expectations of the breadwinner romantic love-marriage of the 50s had an outlet in the rise of 'no fault' divorces but also shaped different expectations and hopes for the next generation of women's education and employment. The birth-control pill allowed married women to spend more of their lives in paid work, generating new tensions over housework, but also weakening the connection between marriage and parenting. Legal reforms giving inheritance rights to children born out of wedlock eroded the traditional role of marriage in

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defining legitimacy. Civil rights campaigning by women brought greater legal equality between wives and husbands. At the same time, in the US, the civil rights climate and the repeal of racist anti-miscegenation laws encouraged people to think of having a personal right to choose who they married.

295 All these changes tended toward further transformation of marriage as an institution, realised the instability long predicted of the romantic love-marriage, weakening its social role, while alternative forms of household and family, including parenting by gay and lesbian couples, became more acceptable. They also made it less intrinsically bound up with once defining aspects of heterosexuality - even as heterosexuality was becoming less sharply differentiated from homosexuality. Thus, as Coontz observes, 'The demand for gay and lesbian marriage was an inevitable result of the previous revolution in heterosexual marriage' (*Marriage, a History*, 274). And same-sex marriage offered them an act of commitment as well as several rights. These developments help account for the analysis of marriage and sexuality in the UK offered in chapter 5 of the LLF book.

296 Churches, including Anglican churches, have been participants in this history, contributing and responding to changes, from debates over removing the woman's promise to obey from the marriage vows, to the shift from condemning contraception at the Lambeth Conference of 1908 (with eugenic concerns about national decline) then cautiously accepting it in 1930 and finally unambiguously approving it in 1958 and 1968¹⁰⁵, further elaboration of the goodness of sexual intimacy in the Common Worship Marriage Service and the changing ways in which same-sex relationships have been described and evaluated in teaching documents from the House of Bishops (see, for example, the analysis in GS 2328 Annex H, pp. 7-12). Changes to doctrine and practice in response to and informed by these interactions have also turned on stances taken on the normative issues we consider next, especially the question of the significance of sexual differentiation for the definition of marriage and its goods or purposes in church doctrine.¹⁰⁶

Part 2: Normative questions

297 So far, we have reviewed some significant episodes in the relationship between the Church's doctrine and practice in relation to marital practices, customs and laws, and charted the ways in which key categories have been developed and deployed, in order to orient us to the issues faced today and the

¹⁰⁵ See chapters 1 and 5 of Timothy Willem Jones, *Sexual Politics in the Church of England* (2013).

¹⁰⁶ This was the case, for example, with revisions to the relevant canons by the General Convention of the Episcopal Church (USA) in July 2015 and the General Synod of the Scottish Episcopal Church in June 2017 and the General Synod of the Anglican Episcopal Church of Brazil in June 2018. There is not scope here, however, to examine the specifics of theological debate and influences in each context.

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terms in which they are framed. In the second half of this paper, we turn to those issues directly in light of that complex history and in dialogue with the tradition of theological reflection outlined above. Here we offer accounts of different, contested ways of reasoning theologically about some of the underlying theological questions at stake. These questions have to do with the interpretation of what are often called the ‘goods of marriage’ in the Augustinian tradition the Church has received, their significance when considered alongside certain relationships of two people involving exclusive sexual intimacy but outside the context of one man-one woman marriage, and how they sit alongside other language in use today to describe what Christians may value about life in households. Such questions properly belong within wider questions about what it is to be human; the nature of sexuality, gender and identity; ecclesiology, how we read and use the Bible (and understand its authority); the place and interpretation of tradition, history, culture, scientific knowledge; and the role of experience in theology – questions which go beyond the scope of this paper. Some different ways of thinking about those wider questions are explored in the LLF book (especially chapters 10, 11 and 13-17) and its accompanying papers in the LLF Library.

‘Goods of marriage’ and sexual differentiation

- a. *To what extent do the ‘goods of marriage’ depend upon differentiation by biological sex / ‘one man and one woman’?*
- b. *To what extent can the ‘goods of marriage’ only be understood as operating within the discipline of a relationship between ‘one man and one woman’?*
- c. *What is the significance of procreation and childlessness (voluntary or involuntary) in relation to the goods of marriage?*

To what extent do the ‘goods of marriage’ depend upon differentiation by biological sex / ‘one man and one woman’?

298 A significant issue in the church’s deliberations about permanent, stable, exclusive same-sex relationships in recent decades, including the presenting issue of clergy in same-sex civil marriages, has been the extent to which the ‘goods of marriage’ rest upon male-female sexual differentiation and hence whether they, or analogues to them, may be recognised and pursued (i.e. with the church’s approval) in same-sex partnerships. Here we present two possible ways of reasoning about that question.

299 The first presents a case that sexual difference defines the good that is marriage, as a way of life ordered to the friendship and sexual intimacy of man and woman and to procreation, and that sexual difference permeates the goods of marriage as they belong to that way of life and are interrelated within it. The second rehearses some ways of understanding the goodness of exclusive,

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permanent, stable sexually intimate society as constituted by goods which do not depend on procreative union or sexual difference.

A case that sexual difference is essential to defining the good of marriage and to each of the goods that belong to marriage

- 300 It is an important question as to whether we should think first of ‘the good of marriage’ before coming to ‘the goods of marriage’. Augustine’s treatise on marriage was not entitled ‘*de bonis coniugalī*’ [on the *goods* of marriage] but ‘*de bono coniugalī*’ [on the *good* of marriage]. The claim is that marriage, being a gift of God in creation, endowed with new significance through Christ’s mystical marriage to the church, is itself *a good*. There is, of course, no question in Augustine’s mind that marriage, given in creation, is necessarily between a man and a woman. It is constituted, from its creation, by the sexual differentiation of the people for whom it was instituted, in a time of humanity’s innocence. That which we call ‘the goods of marriage’ help us to understand why marriage is good.
- 301 Each and every marriage participates in the good which is marriage, which is, in the language of the historic formularies, an ‘honourable estate’ (see paragraphs 260-268). The estate of marriage is a ‘mutual society’ – a form of friendship between a man and a woman. Within that *good* estate, three *goods* are available. On Augustine’s account, ‘*Haec omnia bona sunt, propter quae nuptiae bonum sunt, proles fides sacramentum*’ (‘All these things are good, for which reason marriage is good: offspring, faithfulness, and the sacrament/permanence’).¹⁰⁷
- 302 The goods of marriage, as variously interpreted and ordered by the Church of England in its liturgical practice and official teaching throughout its history, have until recently been considered inconceivable without an assumption that the two parties to a marriage are differentiated by biological sex. Permanence [*sacramentum*], faithfulness [*fides*], and offspring [*proles*] are complexly interwoven *within* the estate of marriage, which signifies the relationship between Christ and the Church.
- 303 Indeed, that two who are different in this basic way come together is an essential feature of this signing quality inherent in the estate of marriage if it is to image that relationship between Christ and the Church (Ephesians 5:32). The metaphor (we might also say ‘sacrament’, ‘mystery’, ‘sign’, or ‘icon’) relies upon *difference* being brought into *union*: there are not two Christs nor two churches, but one Christ and his Bride the Church. The difference between man and woman is therefore fundamental to the significance (in the strict sense) of marriage.

¹⁰⁷ The difficulty in translating *sacramentum* in Augustine comes from the way in which the Latin term at the time (a) still retained something of its original meaning (as remarked by Tertullian) as a ‘sacred oath’ (which fits the context of marriage), (b) the way in which Augustine described a great many things as sacramental, *viz.* signs of sacred things (which again, is appropriate for marriage); and (c) the way in which later medieval theology defined marriage as one of the seven sacraments in a formal, restrictive sense (which would be anachronistic if predicated of Augustine’s view of marriage).

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Sexual difference is not, of course, the only difference that matters in marriage. Other sorts of difference will affect marriages. But the significance of other sorts of difference in no way reduces the basic significance Jesus accorded to the divinely created sexual differentiation between man and woman as essential to what makes a marriage.¹⁰⁸ The sameness of man and man or woman and woman is also part of God's good creation; but that sameness is neither comprehended within what Scripture says about marriage, nor can it be accommodated within the nature of marriage without changing fundamentally the nature of the estate as a God-given sign.

304 Since such difference (or otherness) defines the 'good' which is marriage, it also necessarily permeates each of the three 'goods' which belong to marriage.¹⁰⁹ The sexual act in marriage which unites a couple according to marriage's procreative purpose (*proles*) is the 'one flesh' reunion of what was wonderfully, physically distinguished in creation (woman from man). The sexual act itself is ordered in terms of a theological anthropology of difference made one in matrimony. This is the way of life in which human love in marriage is beautifully ordered by God. Within this graced way of life, a man and a woman may walk together in worshipful love of God.¹¹⁰

305 Such an understanding of marriage is clearly the view of marriage in the historic formularies, as noted above, with the *Book of Common Prayer* making very similar commitments to Augustine but in a fitting manner, adjusted to reformation thought, as discussed above (Q3 and Q4). Accordingly, the goods in the Anglican formularies also cannot be picked apart but belong together, subsumed with the overarching 'good' of marriage. Note, for example, that although the Prayer Book permits omission of the prayer for offspring when the woman is past childbearing age, it does not then omit the section in the preface which concerns offspring; nor indeed does *Common Worship*. The inability of a couple to conceive – or a mutually consensual decision not to do so – does not change the essential character of the estate of marriage, the way of life made holy by God which every married couple enters and in which they then participate.¹¹¹ *Marriages* will of course look somewhat different – there will be some inevitable diversity. But the fact that producing offspring is not necessary to make a marriage in no way implies that differentiation by biological sex is not essential to *the estate*

¹⁰⁸ See Matthew 19:4-7, where Jesus conjoins Genesis 1 and Genesis 2 in his teaching.

¹⁰⁹ Earlier statements on this matter discuss the goods as the 'three ends of marriage', noting that such ends 'are not envisaged as particular goals or objects in marrying' (*Men and Women in Marriage*, Faith and Order Commission, Church House Publishing, 2014, §32) but as 'blessings that belong to marriage' (*Marriage: a Teaching Document from the House of Bishops of the Church of England*, Church House Publishing, 1999, p. 10)

¹¹⁰ In this way, we may understand the goods as 'reflecting in some sense the spiritual growth of a married couple in the course of life.' (*Men and Women in Marriage*, Faith and Order Commission, Church House Publishing, 2014, §33)

¹¹¹ This accords well with the use of parentheses in *Common Worship* in the phrase 'It is given as the foundation of family life in which children are [born and] nurtured.' See discussion in Q.4 above.

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of marriage as a good gift of creation and therefore to every marriage. In summary, a common and essential feature of the *estate of marriage* and every particular marriage in Anglican understanding is the biological differentiation of the two parties, a man and a woman.

306 There is also an Anglican understanding, developing over time and with pastoral sensitivity, that particular marriages will participate in the goods of marriage with various kinds of regrettable shortcoming (e.g. in failures in faithfulness); or with frustration; or, indeed, with a disciplined asceticism. As to the second of these, frustration with respect to a desire for procreation in a male-female union is clearly of an entirely different kind than in a same-sex union. As to disciplined asceticism, the allowance – indeed the encouragement by Augustine – that procreation need no longer (in light of Christ) be pursued for a marriage to be a marriage *only* makes sense as an ascetic form of discipleship and witness to Christ, if pursued by a Christian *man* and a Christian *woman*. The same thought does not apply in the case of a same-sex union.

307 Note that to accept the definition of the good of marriage in terms of biological differentiation of the sexes does not require acceptance of Augustine's unwarrantably negative account of the purposeful love and joy of bodily sexual union. On the contrary, bodily sexual union between a man and a woman is part of God's gracious gift in creation. Indeed, as noted earlier, the BCP may be understood to bring together the best of Augustine's insights on the goodness of bodily life with his understanding of marriage. So it is precisely on account of the freedom and discipline of life ordered within the good estate of marriage that a man and a woman may joyfully, mutually and tenderly delight in all dimensions of the created, holy, love-suffused way of life they have entered. The estate of marriage, understood in this way, is the only way of life which the historic formularies of the Church of England recognise as proper to sexual relations between two people.

308 *A fuller account of marriage, as understood by the Church of England, is found in the LLF book chapter 3 (pp. 23-37).*

309 Thinking of the estate of marriage in this way clearly matters for pastoral care. Two emerging theological lines of enquiry since the publication of the LLF book give indications of how some strands of Anglican thinking are developing on these issues. These are indicative and clearly not exhaustive for how pastoral care for lesbian, gay, bisexual, trans, queer and intersex people within the church should develop.

First, thinking of the estate of marriage in this way does not imply being oblivious or pastorally insensitive to the variety of ways in which people's bodies fit or do not fit prevalent patterns of male/female sexual difference; nor the variety of ways

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in which people behave, understand or present themselves in respect of sex and gender. On the contrary, understanding the estate of marriage in this way helps in the pastoral care of all people. While material in the LLF book continues to be an important point of reference, theological reflection has naturally not stood still since then. *For example*, in a recent instance of patient, pastoral description and theological exploration, Sam Ashton has articulated an account of how Christians should ‘interpret atypically sexed bodies that fall outside the statistically predominant pattern of male and female.’¹¹² Ashton’s engagement includes engagement with ‘biological sciences, cultural-historical studies, ethnographic research, and the lived experiences of intersex persons’ alongside theological sources to provide insights into the complexity of human life. His analysis affirms that ‘the primary agents of intersex interpretation are intersex individuals.’¹¹³ Ashton’s theological account of intersexuality tracks and traces the sexed body as it moves through the theo-dramatic acts of creation to consummation. This leads to important theological conclusions including that ‘biblical exegesis and theological reflection suggests that [sexual dimorphism] was likely the divine design in the event and intent of creation; that ‘Death disorders the sexed body in both form and function’; that the ‘structure of creation endures through the fall, such that the norm of male and female continues in theological intent, even if at times uncertain in empirical expression.’ Sexual difference needs to be understood as a “sexuate correspondence” between male and female. That is, humans are not just formed differently (a notion which might open up an interpretive free-for-all). Rather, humans are formed, through their sexuate correspondence, for fruitfulness. Ashton suggests that ‘the theological explanation for the existence of intersexuality from the perspectives of creation and fall remains that of impairment—disordered diversity in a diversely disordered world. Yet intersex persons are not more fallen than others. Every body is subject to “death because of sin” (Rom. 8:10). Every mortal body needs life from the Spirit of Christ (Rom. 8:11)’. From close and careful scriptural exegesis of Galatians 3 and 1 Corinthians 15 (illuminated via Augustine and Aquinas), Ashton concludes that the ‘redemptive newness’ at Christ’s first coming ‘refers to spiritual and social inclusion rather than sexed structural expansion or replacement’ and that ‘somatic transformation in the eschaton [is]...contoured by creation’. This opens up the possibility of the “heavenly eulogization” of intersex conditions.’¹¹⁴ In summary, Ashton charts the theological meaning of the sexed body from creation to consummation, arguing that we may know what we are and who we are when we discern whose we are and where we are within the divine drama.

310 Second, the account of marriage provided here provides support for those who are attracted to the same-sex or identify as gay and lesbian but accept that

¹¹² Sam Ashton, *Beyond Male and Female: A Theological Account of Intersex Embodiment* (T&T Clark, 2023), 2.

¹¹³ *Ibid.* 3, fn12

¹¹⁴ *Ibid.* 18-20

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marriage is defined by the signifier of biological differentiation which sacramentally reflects the future union of Jesus and the Church. Recent developments in pastoral and moral theology have focussed on the theodicy-based elements of unchosen same-sex desire when understood through the lens of understanding its misalignment with the created ordering of marriage. Such reflection has focused on the ascetic joy of living according to God's creational will and the trouble faced by those who, in faithfulness to Christ, live according to the Church of England's teaching that the proper place of sexual intercourse is within a marriage between a man and a woman. By engaging in a non-repressive sacrifice in response to God's love, these disciples show that not participating in the good of marriage is a form of faithful witness to what is good and to the creator God revealed in Jesus Christ.¹¹⁵ Among these disciples, there are those who discern a vocation to a celibate life as their pattern of discipleship and others who enter into marriages to the opposite orientation (a mixed-orientation marriage). These forms of witness are important for appreciating afresh the ancient vocation of celibacy, while acknowledging that many single, gay or same-sex attracted Christian disciples do not understand or experience their singleness in vocational terms.¹¹⁶ The Church of England is thus invited to hear the prophetic witness to the future resurrection life where there will be no marriage and to learn more deeply the gracious purposes of God in these modes of sacrificial discipleship such as recentring friendship, undoing sexual idolatry, witnessing to a culture of sanctified desire amidst an overly sexualised culture, and renewing non-sexual intimacy and kinship in the Church.

311 While these two instances of theological thinking will evoke different responses, and do not purport to *settle* decisions in the life of the church, their arguments and deep desire for 'corporate holiness'¹¹⁷ are important features of the emerging landscape. Taken together with other material in this section, they indicate reasons for not making any change to the Church of England's theological understanding of the goodness, nature and purpose of the estate of

¹¹⁵ David Bennett, *A Theological Ethics of Same-Sex Desire and Gay Celibacy in Contemporary Anglican Thought* (forthcoming 2025, T&T Clark/Bloomsbury).

¹¹⁶ In *de bono coniugali* Augustine talks about 'bona' by distinguishing two goods – marriage and the higher good of '*continentia*', By this Augustine meant a discipline of life, whether for married or unmarried, which involves refraining from sexual intercourse, either for a period or permanently. Among those called to a life of *continentia* are those whose vocation is celibacy – judged as a higher vocation for centuries within the life of the church. We do not have to agree with such a hierarchy of these ways of life (and Anglicans normally do not) to benefit from disciplined ways of thinking about marriage, singleness and their interrelation, especially in how communities are strengthened and enriched by the mutuality of those living singly and those who are married. It is important to distinguish (i) singleness as an estate (ii) celibacy as an avowed form of single life, whether permanent or for a temporary, often defined period (iii) chastity as holiness of life within an estate (iv) abstinence as a discipline of life which properly characterises all those in the single estate and may characterise some in the married estate, for a time (or for Augustine, permanently).

¹¹⁷ Ashton, *Beyond Male and Female*, 21.

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marriage, and of particular marriages, as defined by sexual difference and as presented in the historic formularies. These reasons apply also to the development of liturgical provisions which depart from such an understanding.

Alternative perspectives on goods of permanent, exclusive, faithful same-sex relationships in relation to the good(s) of marriage

312 At the heart of the vision of married life in the traditions the Church of England has received is the notion of marriage as an intimate society or friendship. The testimony of the lives of same-sex couples in exclusive, stable, permanent relationships, and of Christian couples amongst them, has prompted some theologians to reflect on the goods constitutive of ‘mutual society’ in such cases and how they relate to the goods constitutive of the goodness of marriage. These reflections offer alternative ways of reasoning about the relationship between the goods of marriage and how far they depend on biological sexual differentiation.

313 To preface these accounts, it is worth being wary of picturing sexual difference as a kind of ideal and primal human difference, essential to human relationality, so that encounter between men and women is the primary way in which they encounter otherness.¹¹⁸ Here it helps to be aware of the complexity of sexual difference, the commonalities between the sexes in their development and the complex relationships between sexed bodies and gender. ‘Gender’ denotes the social conventions around status, roles and behaviours for the sexes; the ways individuals experience and interpret these conventions; and the ways in which they behave, and understand and present themselves, in response to them. Some of this complexity is surveyed in the LLF Book (see pp. 92-97, 109-113), which are drawn on here along with Anna Fausto-Sterling’s *Sex/Gender: Biology in a Social World* (2012) and Susan Kingsley Kent’s *Gender. A World History* (2021).

314 Biological sex has several layers – chromosomal sex, hormonal sex, the sex of internal reproductive organs, the sex of external genitals. These can each potentially develop independent of one another, though they rarely do, so that some people’s bodies do not fit the prevalent pattern of male/female sexual difference, in a variety of ways. At the same time, the differentiation of male and female bodies and the possibility of bodies which are sexed male in some respects and female in others rests on the considerable continuities and commonalities between male and female bodies and the tissues from which, for example, external genitals develop.

¹¹⁸ For a more extended critique of this kind of theology of sexual difference, see Megan DeFranza, *Sex Difference in Christian Theology : Male, Female, and Intersex in the Image of God* (2015), 134-159.

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315 Social conventions and norms for roles, statuses and behaviours for the sexes, moreover, vary across and within cultures and change across and within historical contexts. These conventions become embodied, in differing sensory perceptions, emotional responses and motory skills, through socialisation from an early age. Individuals, in turn, experience and interpret their own sexed bodies and gender conventions, and respond to them in different ways, resulting in different ways of understanding and presenting or performing their gender identity, some of which do and others do not conform to a schema of understanding oneself and presenting as either male or female. These include trans people, whose gender identity is at variance with the way they were understood to be sexed when they were born, and with the gender conventions attached to that sex in their social context.

316 The people of God, the body of Christ, includes trans people among its members, and the Church of England is no exception. One way in which this complexity surfaces with respect to marriage in the Church of England is that ‘a man or woman who has been issued with a gender recognition certificate may marry someone of the opposite sex in a Church of England church, subject to the right of clergy to refuse to solemnise the marriage of any person whom they reasonably believed to be of an acquired gender.’¹¹⁹ The Church’s position highlights the complexities of sex and gender without, we should add, the benefit of offering or drawing on the needed work of extended theological deliberation by the Church on and in light of the experiences and insights of trans people. The point, however, is that differences between the sexes may be recognised as part of the good order of creation without elevating their significance to a degree that loses sight of this complexity and the commonalities between people variously sexed. Indeed, we should also bear in mind that God is not sexed, as Gregory of Nazianzus reminds us [Or 31.7]), lest we be tempted to see in human sexedness an image of the Trinity.¹²⁰ The fact that gender conventions usually structure relations of power, give us added reason for caution.

317 However, arguments that sexual difference is intrinsic to the good of marriage and its goods need not appeal to such an inflated view of sexual difference. They may, as here, rest the necessity of sexual difference on the necessity of procreation as a good constitutive of the goodness of marriage and its other goods. At stake here is not the goodness of procreation nor of sexual difference as necessary for it, as affirmed by God in the Genesis creation stories, but whether sexual difference ordered to procreation is an exclusive pattern for sexual relationships in which we may recognise and celebrate goods which arise from the creative and redemptive economy of God. The theological reflections examined here, however, uphold the meaningfulness of sexual difference to different

¹¹⁹ GS 2071A, 10.

¹²⁰ The burden of many of Gregory’s arguments in Or. 29 is to emphasise the radical difference between divine generation and human reproduction, which further blocks such analogies.

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degrees, while limiting the theological weight it is asked to bear in respect of the goods of marriage in the economy of the triune God.

318 Rowan Williams, in *The Body's Grace* (1989), proposes that the possibility of experiencing one's own body as the cause of another's joy ('the body's grace'), in and through being given over to the enjoyment of the other, and of mature sexual desire as the desire for joy through the joy of the other, make fullest sense in the context of an account of God's grace. In this account, human beings are drawn, by the Spirit, into the incarnate Son of God's response to being begotten by the Father and the Father's love for the Son. By being incorporated into the body of Christ, and thus adopted as God's children, human beings are caught up into this response and in Christ are objects of the Father's love and desire, as Christ is. In just this way, they fulfil God's purpose in creating them. This story, he proposes, also helps us understand why the full discovery of 'the body's grace' requires partners to take time with one another in a wider context of shared life and sustained commitment, and why marriage is constituted by the public promise of unlimited commitment to fidelity (and so permanence). Such possibilities and demands make clearest sense when human lives are understood as intended for the gift of being taken up into Christ's relation to the Father and learning what it is to be loved by God as Christ is. Human relations, he adds, should be so ordered as to facilitate humans growing into wholehearted love of God by this education. This ordering, he implies, includes marriage (see Eugene Rogers' *Sexuality and the Christian Body* (1999) for an expansion of that argument).

319 This positive framing of the ascetic character of marital faithfulness as serving human sanctification does not depend on procreation nor on biological sexual differentiation. Williams' account supposes that significant differences pertain between all sexual partners and between those who commit to taking time, even a lifetime, to discover 'the body's grace' in their encounters. For many couples, presumably, those differences will include differences relating to their bodily sex to some extent and often in some relationship to procreation. However, Williams warns against reducing significant human difference to physical differences of sex as though those were the only differences that matter in this context.

320 In *Covenant and Calling* (2014), Robert Song incorporates these ideas in an argument which recognises but relativises the significance of the good of procreation in marriage, sexual difference, and their connection to God's creative work. Procreation and the nurture of children is indeed a reflection of and creaturely participation in the gratuitous miracle of creation, which is supported by fidelity and grounded in biological sexual difference. The faithful commitment of married partners also bears witness eschatologically to the covenant between God and God's people which is the inner meaning of creation and itself a reflection of God's triune life. However, with Christ's inauguration of the eschatological fulfilment of creation in his resurrection, procreation and human

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marriage are no longer necessary for God faithfully to sustain the people of God and will not feature in the resurrection life (Matthew 22:30). The meanings of permanence and faithfulness, however, are not 'fully fulfilled' in Christ's resurrection in the same way, but have different logics and trajectories. This move opens the way for Song to propose recognising 'covenant partnerships', which are 'forms of non-procreative committed relationship that may also function as a kind of eschatological witness' – marked by faithfulness to Christ, a permanence like God's covenant with Israel, and an eschatologically oriented fruitfulness in charitable service to others, including (but not limited to) childrearing. Sexual differentiation, then, is not required for such relationships as it is for marriage, and is not necessary to the eschatological signification of permanence and faithfulness, since they are only contingently related to procreation. Because sex may embody and bear witness to our relationship to God, as Williams proposed, the couple in such a covenant partnership, whether same- or opposite-sex, may appropriately be sexually active.

321 In *Un/familiar Theology* (2017, 19-43), Susannah Cornwall offers a broader way of thinking about the creativity of human responses to God's generous creative action (and what most resembles God's creative work) in the context of the eschatological future promised and inaugurated in Christ's ministry and its relativisation of biological reproduction. Noting the valorisation of fictive (or better, spiritual) kinship in the Christian tradition, she proposes we think about these responses through the categories of generativity and responsibility. Generativity has to do with not only production and guidance but also generous and creative care for the next generation, with hope for future generations. It is an act of fitting response to God's creative action and to other human beings in particular situations for which we are answerable. Procreation, she argues, is a form of generativity but generativity encompasses far more than procreation. In this light, we might continue to value procreation as a form of the good of generativity, especially when it is understood to involve generous, creative, responsible care, without delimiting the way the good of marriage echoes and images God's creative work to it alone.

322 Such an account does not obviate the significance of being sexed. Elsewhere, Cornwall follows David Kelsey in arguing that human personal identity is grounded in how God relates to us in creation, reconciliation and eschatological fulfilment.¹²¹ The meanings we bear in our everyday identities, emerging and changing in the interplays between bodies, the structures of social contexts and personal histories, are secondary to this basic identity. These secondary everyday meanings include our sex. Our basic personal identity cannot be comprehended in

¹²¹ Cornwall, S. (2015). Intersex and the Rhetorics of Disability and Disorder: Multiple and Provisional Significance in Sexed, Gender, and Disabled Bodies. *Journal of Disability & Religion*, 19: 2, 106–118. <https://doi.org/10.1080/23312521.2015.1010681>.

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an account of any or all of them. What matters about them, instead, is whether we live them out in ways appropriate to how God relates to us. That significance includes but is not limited to the way sexual difference matters in procreation.

323 Taken together, these arguments propose a theological framework within which to recognise both the good of the estate of marriage as the Church has received it and the analogous goodness and witness of faithful, permanent relationships; relationships whose goods are not based upon sexual difference. These arguments suggest a different way of reading the significance of the Church's tradition and of discerning its capacity for appropriate change in practice.

To what extent can the 'goods of marriage' only be understood as operating within the discipline of a relationship between 'one man and one woman'?

324 Answers to this question will unfold depending on how one has answered the first question.

325 On one view of the BCP's account of the estate of marriage, where the goods of permanence and fidelity are inextricable from that of offspring, each marriage may certainly participate in the goods of fidelity and permanence. Moreover, marriages will often, though not always, participate directly in the good of offspring. Where they do not, they nevertheless witness to that good precisely in the biological differentiation of the sexes, which is ordered to procreation within marriage. Faithfulness is found in other forms of friendship. But these should be distinguished as distinct instantiations of the gift of friendship from the faithful friendship between a man and a woman specifically covenanted in marriage, precisely because that friendship is hallowed as the context for sexual intercourse and in its sacramental signification of the union of Christ with the Church. There is an important qualification here. Augustine recognised that the goods of fidelity, procreation and a certain kind of permanence may exist between a man and a woman who are not married according to law but live as if married (although he did not deploy the term 'sacramentum' to describe such relationships and hemmed them round with very detailed conditions for ascribing the term 'marriage' to them).¹²² This, however, does not conflict with but rather strengthens the BCP's understanding of marriage, as discussed above (paragraphs 269-275), which drew on Augustine to hold that the goods of marriage are, in their complete sense, exclusive to *marriage* between a man and a woman.

326 An alternative view is that, where fidelity and permanence are understood primarily with reference to the eschatological end of human beings as adopted into the life of God and its anticipation in this life, the disciplines of same-sex marriage or covenanted partnerships may embody such goods alongside marriages between men and women, along with a fruitfulness that looks toward

¹²² Augustine, *On the Good of Marriage*, 5.

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the Kingdom. Where 'offspring' is incorporated into a broader category of generativity, we may understand that participation in and witness to God's creative action in respect of future generations may also be found in faithful, permanent and exclusive covenanted relationships (sexually active or otherwise) which display care, nurture and cultural formation of future generations, as well as in marriages between one man and one woman.

What is the significance of procreation and childlessness (voluntary or involuntary) in relation to the goods of marriage?

327 On the account of the BCP given in paragraphs 301-311, the significance of procreation and childlessness is found in reference to the gift of God in creation in the biological differentiation of male and female. That the good of procreation is a sign of the unitary good which is marriage; that voluntary childlessness in a marriage is a further witness to that good in ascetic mode; and that involuntary childlessness, especially inasmuch as it is often accompanied by some (perhaps very great) degree of suffering and pain, is a reality in which a further, often deeply sorrowful, witness to the good of offspring may be borne by some couples who are unable directly and fully to participate in that good. All of these are signs, witnesses, and forms of love and beauty to be understood in terms of the eschatological horizon which Christ reveals and to which marriage sacramentally signifies.

328 Where fidelity and permanence are understood with a primarily eschatological orientation separable from procreation, and where witness to God's creative action with respect to future generations is understood more broadly as generativity, however, childlessness (voluntary or involuntary) may take on different aspects. For faithfulness and permanence may bear their fullest significance without qualification, and other forms of fruitfulness may become significant forms of witness to God's creative and eschatologically transforming work.

Marriage, households and strengthening community

How do the goods of marriage relate to households and community?

How do issues of singleness find expression in these debates?

329 When deliberating on normative questions about marriage and its goods, it is important not to let our theological imaginations be constrained or over-determined by meanings of marriage and family in contemporary society nor to ignore the estate of singleness and other forms of household. Instead, it is important for the goods of marriage to be celebrated in a manner which recognises the range of household types in which people live.

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330 Throughout the history reviewed in this paper, including both Augustine's fourth century context and the sixteenth century when the Church of England's historic formularies emerged, there was a profound awareness that all marriages and exclusive relationships called marriages (see paragraph 326 above) are embedded with and interdependent with a range of other relationships. Marriage remains a celebrated way of life in twenty-first century British society albeit often idealised as a romantic partnership (LLF Book, pp. 70-73). However, this way of seeing marriage risks reducing it to an independent, private space, one which is connected to the outside world through relations of narrowly defined kinship, work, contracted services, consumption and individualistic leisure activities.

331 The Preface to the marriage service in *Common Worship*, by contrast, speaks of how marriage 'enriches society and strengthens community'. David Matzko McCarthy thinks about marriage in this enriching sense by situating married lives within the daily rhythms and tasks of the household in its social setting. He helpfully advocates the ideal of the open neighbourhood, local spaces in which open households practice interdependence and reciprocity in the exchange of different practical gifts, given and received at different moments, within a network of kin, friends and neighbours. Such neighbourhoods and connected households constitute a rich and complex interdependent common endeavour and common life (which also brings more occasion for hurt and disagreement). This is the habitat and these are the relationships in which members of households are called, by God's saving work, to love of neighbour in graced participation in the love between Father and Son in the Spirit. He offers a vision of the life of the household of God that looks back to how Augustine frames a Christian understanding of marriage, families and households. The Church's life is characterised by the mutual love of friendship for God's sake, sustained and increased by the Spirit in orientation to the common good of life in God, and grounded in forgiveness, the lifting up of the lowly and the humbling of the proud. It orients and orders marriages and families in their household settings in such love, toward each other and outward toward their friends and neighbours, and as a training ground for the love in reciprocal relations in neighbourhoods.

332 This framing of marriage and family in terms of households, neighbourhoods and the Church as God's Household helps us move away from assuming the nuclear family as the default pattern or ideal (for example, it helps us consider multi-generational and blended family households). It also helps us consider, alongside this way of life, the contributions of other household arrangements to the common lives of churches and of neighbourhoods, and to formation for loving our neighbours in those settings. These might include intentional communities or house-shares which involve a significant sharing of daily life over a significant length of time).

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333 Among the bishops' commitments in the LLF paper first brought to General Synod in February 2023 was to seek to 'find appropriate ways to celebrate, value, care for and include those who are single for whatever reason and of affirming and valuing the gifts single people are in our church communities as well as in wider society' (GS2289, 15).

334 Accordingly, it is vital to focus on those living singly in households, in their interdependence with networks of kin, friends and neighbours. These include widows; divorcees; those who have never married; and those who have taken vows of celibacy, whether as members of a religious order or not. Such households, too, may contribute to the reciprocity of neighbourhoods. For those living singly, their lives and households can also be a blessing to the community, extending hospitality, self-giving love and, in some cases, raising children. Those who are single need helpmates in the form of friendships, and perhaps to acknowledge this need may liberate us from the tendency to reduce all intimacy to sex and instead to celebrate forms of shared emotional, intellectual, creative or companionable life. They too, may be caught up in and ordered by the participation of the Household of God in the love of God for God, the life of the Spirit, and so oriented for loving their neighbours in their everyday settings and connections.

Goods, virtues, and values

When discussing marriage within the context of Christian discipleship and the formation of households in their diversity, the language of virtues and values is sometimes used (e.g. in Love Matters). Is there a significant difference between the guiding categories of the 'good' (of marriage), goods, virtues, and values?

335 The language of virtues and values has been used to talk about Christian discipleship and the nature of household life – whether single, married or in a civil partnership. And yet there is some uncertainty as to what meaning the different terms bear since they stand within long histories of thought.

336 For example, the language of virtues in the Western tradition has been strongly influenced by Plato and Aristotle, who located virtue in the space between excess and deficiency – numerating the four cardinal virtues of prudence, temperance, fortitude and justice. To these cardinal virtues Augustine added the theological virtues of faith, hope, and love.¹²³ The virtues might be understood as 'love rightly ordered.' For example, the ways in which faith, hope and charity (re)orient our hearts towards love of God in faith and trust – and also the acceptance of oneself as loved by God, which in turn is further worked out in our relationships with others (whether in our households and families, the life of the church, or in pursuing the welfare of wider social life for the sake of the Kingdom).

¹²³ Augustine, of course, developing a Pauline theme found, *inter alia*, in 1 Corinthians 13:13, 1 Thessalonians 1:3, 5:8 and Colossians 1:5.

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In terms of discipleship in particular, such rightly ordered love is also expressed in the fruit of the Spirit or nature of holiness.

337 In *After Virtue* (1981), Alasdair MacIntyre interrelated the terms *practice*, *telos* and *tradition* as ways of understanding the constitution of virtues. This takes into account the activities/practices which realise those goods; the ultimate purpose of life or goal of those virtues; and the ways in which social traditions are sustained and developed. In Christian theology and practice, talk of cultivating or practising virtues sits within an understanding of the goodness of God's creation, human sinfulness, God's reconciling love revealed in Jesus' life, death and resurrection, and the ongoing work of the Spirit in sanctification. Indeed, there are theological reasons, well at home in the Anglican tradition, to be sceptical about the strength of virtue possible in a Christian life and the power of habituation to curb vice and to inculcate virtue. Nonetheless, to understand virtue in this way might make sense of the emergence of the language of *values* in the work of two of the Archbishops' Commissions: *Coming Home* (2021) which looked at housing, and *Love Matters* (2023) which considered families and households. The five core values in relation to housing were sustainability, safety, stability, sociability and satisfaction, with 'sacrifice' added as a sixth value.

338 Talk of values might be ubiquitous, but both Commissions stress the way in which they flow from the narrative of salvation history from creation and fall to redemption and the new creation. They are ways of understanding love as rightly ordered – not only in terms of personal discipleship or ecclesial life, but also within the households which make up the household of faith. As such, they are concerned with habits and practices, with inhabiting the traditions and patterns of worship, and are also oriented to the telos of God's Kingdom – on earth now and when God will be all in all.

A perspective on the terms we are using

339 With this in mind, there are some important distinctions to make between virtues, values and goods.

340 To talk of values is, normally, to talk of things someone or some community says is good (we might also say 'loves'). There are plenty of things we might *value* in all human relationships, including those constituted as a household. Within the set of things someone values (loves) *may*, of course, be the 'goods of marriage.' But the goods of marriage are not reducible to or explicable merely in terms of the values of some person or some community, for they are themselves objectively good: they are *good* whether or not they are *valued*. Marriage between a man and a woman, as an estate, is a *good*, a 'gift of God in creation' – regardless of whether it is recognised to be so.

GENERAL SYNOD

341 Similarly, to talk of *virtue* in this connection may be to talk of a disposition to feel, to see and/or to act in a manner which endorses, or affirms, or participates positively in some good of marriage. Virtue is good *being lived out*. So while *fides* is a good pertaining to the estate of marriage, it is virtue when that good is realised in the particular marriage of a faithful husband and a faithful wife. Nonetheless, sin being sin, it is recognised that no person is stably virtuous, nor, regrettably, completely faithful. Thus *fides* is a good which, while belonging to the estate of marriage, is only ever imperfectly participated in by those who are married.

342 In short, while there are goods of marriage – and there is the good of marriage – these are not the same as the virtues or the values of people who participate in the estate of marriage more or less virtuously and with a more or less accurate understanding of the good gifts that God has given. However, despite our sins, God's word, echoed in the *Book of Common Prayer* Form of Solemnisation of Matrimony (a term interchangeable with 'marriage', as noted above), remains: 'Let marriage be honoured by all.' (Hebrews 13:4).

Conclusion

343 This paper has explored key theological issues in respect of marriage. It has done so by navigating the history and long tradition of Christian practice, law, teaching and theological reflection, focusing in particular on the Church of England. The episodes and developments in that tradition which have been considered offer some appropriate context and, it is hoped, some increased clarity for our present questions. In light of that survey, the paper has sought to model alternative paths of moral theological reasoning in respect of some of the key questions facing the Church of England. While these are not exhaustive or comprehensively representative, it is hoped that, by setting them forth to this extent, they may inform and inspire the pursuit of deep and careful mutual understanding between those of different convictions on these questions, and so some clarification of where differences lie and how their significance may be understood.