

EQUAL MARRIAGE LEGISLATION

There has been a huge amount of interest in the Government's proposed Equal Marriage legislation. It's clear that there is a considerable range of opinion across society, including within the Church of England. I want to offer a clear statement of where this Diocesan Bishop stands on the substantive issue of gay marriage and the consequent issue of the proposed legislation.

The Issue

1. I am very happy to affirm civil partnerships as a positive development which gives the opportunity for gay couples to enjoy the same rights and responsibilities as heterosexual couples. Civil partnerships are capable of the same level of love, permanence and loyalty as marriage, and I believe God delights in such qualities. The Church has in the past been too churlish in recognising the quality and value of civil partnerships and that has been one of the reasons why we have been caught out by the equal marriage legislation.
2. However, such affirmation does not mean that civil partnership is the same thing as marriage. It may have the same emotional and spiritual commitment but to equate the two is essentially a category confusion. Of course language develops, including language around marriage, but marriage as the union of one man and one woman is part of a deeper structure than any such cultural relativity, and has indeed claimed almost universal assent until very recent times (and such dissent as there has been has occurred only in the west.)
3. What we are seeing in this development is a further step from a sacramental to a contractual view of marriage, from a sacramental covenant concerned with public identity to a contractual legal agreement based on personal choice. This view of marriage affects both heterosexual and same-sex relationships. It demonstrates a view of marriage as the legal affirmation of emotional commitment instead of the sacramental celebration of a new social identity. Marriage is becoming a private concern rather than a public good.
4. The marriage service says: 'Marriage is the gift of God in creation.' In his teaching, Jesus too started with creation: 'The one who made them at the beginning made them male and female and said, 'For this reason a man shall leave his father and mother and be joined to his wife, and the two shall become one flesh.' Because it is a *gift*, marriage is a key historic social institution and the property of neither the state nor the Church but of all people across every generation. It should not therefore be open to Government to change the definition of marriage on the basis of no electoral mandate and a short, confused and flawed consultation.
5. Equal marriage would mean the loss of differentiation in permanent relationships (which is odd when gender differentiation is seen as so important in sport, for instance). Many terms would have to disappear – husband and wife, mother and father, even he and she in many situations. A huge amount of legislation would have to be changed. Moreover, there could be no reference to procreation in social and legal definitions of marriage. The potential for procreation (not always realisable but the widely held expectation) would have to be excluded. Teaching in schools about relationships could be bewildering for children.
6. Nature's/God's process of evolution, working through chance and necessity, has given us certain biological and psychological norms, of which male-female complementarity is one, celebrated in our social structures in marriage. However, with norms comes diversity because evolution is a brilliant but unpredictable process. Gay affection is one such variation from nature's norm. There are therefore different patterns of human belonging and the question for the Church is how to recognise these different patterns. The answer for the Church of England is that marriage bears

witness to the primary, normative pattern of male-female bonding and civil partnership to the same-sex variation.

7. What this means in practice is that we need two clear and distinct identities – marriage and civil partnership (or another name if there's a better one). Nobody is well served by confusing the two.

The legislation

1. However, the cat is out of the bag and legislation is upon us. The Secretary of State said in her statement to the House of Commons on 11 December said that: 'the legislation will explicitly state that it would be illegal for the Churches of England and Wales to marry same-sex couples... this provision recognises and protects the unique and Established nature of these Churches.' This has suggested that extra safeguards have been put in place to give legal protection above and beyond that for other denominations and faiths. This is not the Government seeking to impose a ban on what the CofE can do. It's simply recognising that neither Government nor Parliament can determine matters of doctrine in the CofE, and the Canons clearly define marriage as being between a man and a woman.

2. What the Government was attempting to do, however, was to give reassurance to the Established Church that the status quo would not be disturbed. Some of course would have liked it to be disturbed, and some are cross that to make a same-sex marriage illegal is an over-reaction and potentially criminalises conscience. But Government was trying to head off anticipated objectors at the pass.

3. Decisions about doctrine and practice are left with the Church of England and its processes. A change would require General Synod passing an amending canon redefining the nature of marriage and considerable further legislation, all of which is deeply unlikely.

Our situation

There will inevitably be a range of views within our diocese. What I ask for is the following:

1. Care in our use of language and the avoidance of any demonising of those who hold different views from our own. Speak the truth *in love*.

2. Loyalty to each other and a recognition that we stand together as Christians in the context of a society where many delight to see us in disarray. We remain brothers and sisters in Christ, seeking truth, serving the suffering, loving each other.

3. If you are called on to speak in public on these issues, bear in mind the conscience of others. Perhaps even warn them you are about to be heard more widely.

4. Pray for wisdom, humility and great grace.

May our debates do honour to the Lord we love.

+John Oxon
December 2012