

# Key Issues Arising from the Civil Partnerships Act

Charles Raven

Has the English House of Bishops' response to the Government's recently enacted Civil Partnership legislation put the Church of England in a position where it should be disciplined as have the North American Churches because of their open ordination of active homosexuals and the approval of same-sex partnership rites? This was, in essence, the challenge issued to the Church of England by Peter Akinola, Archbishop of Nigeria in his landmark statement of August last year. As the rift between the Anglican Global South and Anglo-American Anglicanism becomes deeper, this is a question about which clarity is essential. If the answer is 'yes'—and I believe the analysis below shows that this is undoubtedly the case—and a diocesan bishop is not willing to distance himself from the House of Bishops' policy, then parish clergy have a duty to distance themselves from such a bishop by declaring themselves to be in 'impaired communion'.

1. While affirming historic biblical teaching on marriage, their failure not only to oppose the legislation, but also to allow clergy to enter into Civil Partnerships, means that the House of Bishops has endorsed legislation which creates same sex marriage in all but name. It is clear that the legislation is intended to create a new social institution which enables and legitimises same sex sexual relationships for the following reasons—

(a) The provisions of the Civil Partnership Act mimic marriage. For example, there are prohibited degrees of relationship and one cannot marry if already in a Civil Partnership.

(b) The political context has been that of legitimising active homosexual relationships. For instance, Jacqui Smith MP, Deputy Minister for Women and Equality, claimed that 'The Civil Partnership Bill underlines the inherent value of committed same-sex relationships'. (Government Fact Sheet, July, 2004).

(c) Now that the legislation has become law, the agenda to create a new social institution has been revealed in quite unambiguous terms. Meg Munn, Deputy Equality Minister, is reported as saying that 'once an

anomaly in pensions legislation had been ironed out in five years, there would be no legal difference between civil partnerships and marriage' and 'like other couples, civil partners will be able to "marry" in approved venues. The only discrepancy between a partnership and a marriage will be the way the union is formalized'. (Daily Telegraph, 15th September, 2005). The House of Bishops' claim that 'The Government has stated that it has no intention of introducing "same-sex marriage". Civil partnerships are not a form of marriage.' (July Statement, paragraph 8) is clearly wrong. The kindest interpretation is that the Bishops have been extremely naive.

The House of Bishops' statement allows clergy to enter into Civil Partnerships on the basis of assurances that they are not in a sexually active relationship. This is the basis on which they seek to accept the legislation while maintaining doctrinal consistency, but the attempt is deeply implausible because it ignores the church context.

- (i) Active homosexual relationships have been tolerated in many dioceses for decades so this would be a reversal of existing 'on the ground' policy.
- (ii) The discipline is completely unworkable in practice touching as it does on private and intimate behaviour, not to mention the awkwardness of defining what is meant by a 'sexual relationship'.
- (iii) The Bishop of Worcester has already broken ranks, rejecting the policy of asking for assurances of celibacy and encouraging other bishops to do likewise. If no discipline is exercised against Peter Selby and others of like mind, it will be entirely clear that the Church of England has no will to maintain the biblical and historic nature of marriage even within its own ranks. It will be *de facto* in the same position as the North American Churches.

2. The House of Bishops' statement includes the comment that the House 'considers that lay people who registered Civil Partnerships ought not to be asked for assurances about the nature of their relationship before being admitted to baptism, confirmation and communion'. This is a significant broadening of the boundaries of what is acceptable behaviour for a committed Christian because—

(a) Being in a Civil Partnership is no longer deemed relevant to the requirement that those who come to baptism should reject the devil and all rebellion against God, renounce the deceit and corruption of evil, and repent of the sins that separate us from God and neighbour, whereas if the historic teaching of the Bible is truly believed, and given that Civil Partnerships create an institution specifically tailored for those in same-sex relationships, assurances are more, not less necessary. The biblical principle is that we should 'Test everything. Hold on to the good. Avoid every kind of evil' (1 Thess. 5:21-2), not sail as close to the wind as possible.

(b) Same sex partnerships are seen as belonging to that realm of ethical issues where conscience should be respected, but it is difficult to imagine racism, for example, being so treated. It is clear that the Bishops collectively have already given up on the idea that biblical teaching on marriage and gender is a fundamental to biblical ethics and authority. It has been reduced instead to the nature of a guideline and matter for ongoing debate.

3. The shifts seen in the House of Bishops' response to the Civil Partnership legislation are instructive in the way they build on, and amplify, previous departures from biblical standards. In a climate where confusion has already been created, a clear moral and biblical vision is increasingly difficult to maintain.

(a) The principle that candidates for baptism in Civil Partnerships should be accepted with no questions asked about their relationship, despite a context which lead one reasonably to expect that there is a sexual relationship is clearly consistent with the guidance of the earlier House of Bishop's Report 'Issues in Human Sexuality' of 1991 which indicated tolerance for lay same sex relationships, but not amongst the clergy.

b) The 'no questions asked' approach is also justified in regard to those bringing children to baptism on the basis of the 2003 Adoption Act, which was itself eased in its passage through Parliament by the support of the Church of England Children's Society for gay adoption.

## Conclusion

While it may be possible to argue that in terms of words on paper the Church of England has maintained biblical teaching on marriage, the reality is the

reverse. Such a fiction can only be maintained by ignoring the facts of the political and ecclesial context, in summary that—

- (a) The Civil Partnership Act is a deliberate attempt to create a new social institution of same sex marriage.
- (b) The Bishops of the Church of England continue to tolerate without any effective discipline behaviour which is clearly at odds with its claimed allegiance to historic biblical teaching.

In an increasingly decadent society, the Bishops blur the boundaries between right and wrong and confuse those who are called to fight against the world, the flesh and the devil. If they cannot any longer shepherd the Church in a godly way, we must look for other shepherds who can, while in the meantime local clergy should conscientiously reject the ministry of those shepherds who are harming the flock.

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