

Guidance for Accredited and Nationally Recognised Ministry The Marriage (Same Sex Couples) Act 2013

This document provides advice and guidance for all those who are in accredited or nationally recognised ministry regarding the way in which the Ministerial Recognition Committee understand and interpret the Ministerial Recognition Rules regarding the question of presiding at or blessing a same-sex marriage.



Marriage (Same Sex Couples) Act 2013

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Introduction.

The Marriage (Same Sex Couples) Act in 2013 made the marrying of same sex couples lawful in England and Wales. Under the legislation churches are now able to opt in and marry same sex couples according to their rites if they wish to. The change in the law has raised significant questions for us as Baptists over our understanding of marriage, and whether it is appropriate for churches to register their buildings for same sex marriages (SSM) or for accredited ministers and nationally recognised pastors to preside at a SSM. This document seeks to provide guidance to ministers and pastors regarding the way our national Ministerial Recognition Committee (MRC) understand our Ministerial Recognition (MR) Rules and will be seeking to implement them. These notes are not an addition to the rules themselves but are being provided to help bring some clarity to an area where we know there is much confusion over what is, or is not allowed, for those who are accredited or nationally recognised. (For the purposes of this document the term minister also applies to nationally recognised pastor.)

There is a wide range of views held within our Baptist family over whether same sex couples should be allowed to marry in our churches. For some our understanding of the prohibition passages in scripture, and our theology of marriage based on passages such as Genesis 1 and 2 lead us to hold a traditional view of marriage, and the conviction that any form of sexual relationship outside of marriage, as traditionally understood, is sinful. Some of us engage with theology and scriptures such as Genesis 2 and conclude with equal conviction that same sex couples can be married, and that we should enable this to happen within the church. In between the traditional and the affirming views there are a variety of understandings as we seek to respond to the pastoral challenge that some among us are gay and lesbian Christians and while some will embrace a life of celibacy, others do not have that same sense of call and want their loving, monogamous relationship to be recognised and celebrated in the same way as heterosexual couples. In engaging with these issues we will not always agree, but we need to continue to walk together, to listen to each other and seek to discern Christ's call together.

Background

Over a number of years Baptist Together have been engaging in a process of consulting over the question of SSM. This has involved Assembly, Council, the Baptists Steering Group, Associations and churches. In March 2016 following extensive discussions, careful listening and reflection Council agreed the statement [Baptists Together and Registration of Buildings for Same-sex Marriage](#). The statement re-affirmed our Union's historic biblical understanding of marriage as a union between one man and one woman. Secondly it reminded us of our Baptist ecclesiology, summed up in our Declaration of Principle, which speaks of our unity as disciples of our Lord and Saviour Jesus Christ, whilst at the same time acknowledging the potential for some diversity in pastoral and missional practice. Thirdly it called us to renew our commitment to engage in sharing the Good News with all people and to reach out to every part of our communities with imagination and compassion. Finally it recognised that on the question of SSM there are areas of genuine and deep disagreement, which are part of the tension of living with unity and diversity, and that we need to seek grace, as we walk together and watch over one another under the authority of Christ. Council humbly urged churches to refrain from conducting SSMs out of mutual respect, whilst at the same time urging churches who might consider leaving the Union over this question to remain committed, trusting that the one who unites us is stronger than that which divides us.

The discussions at Council in March 2016 related to the question of registering buildings, rather than the question of whether a minister could preside at a SSM. Prior to this, at Council in March 2014 and at Assembly in May 2014, a summary of the consultation at that time included a recognition that if a church registered its building for SSMs then a minister could preside at a SSM there, without the threat of discipline by the MRC. This conclusion was reached on the basis that the covenant between the church and its minister should take precedence over the covenant between the minister and the Baptist Union, as the accrediting body. Following

Council in March 2016, the Revd. Lynn Green asked the MRC to provide guidance notes for ministers on this matter. Following careful consideration of the issues involved the MRC consulted with Council in October 2016 over the question of whether the MR Rules should be altered to include clauses that would prevent ministers from presiding at SSMs in given circumstances, or whether decisions relating to presiding at SSMs should essentially be a matter between the minister and the church where they are in membership. Following further consultation with the Associations the MRC agreed these guidance notes in February 2017.

The Declaration of Principle

In the introduction to 'Something to Declare' David Coffey wrote '*I suspect that many Baptist have never heard of the 'Declaration of Principle' and that a high percentage of accredited ministers rarely use it as a reference point, even though each one is required to sign it as the basis of the Union.*' The authors then go on to say '*The Declaration of Principle was originally intended to hold together a wide Baptist family, rather than to create the kind of boundaries, more typically associated with a Confession, which largely serve to hold people apart.*' (p15) In determining how we as Baptists should respond to questions around SSMs and other issues where we hold widely differing views, the Declaration of Principle still has much to offer us. In the discussions at Council in October 2016 the Revd Joe Kapolyo encouraged us to recognise that it is a sound theological statement.

The Basis of the Baptist Union is:

- 1. That our Lord and Saviour Jesus Christ, God manifest in the flesh, is the sole and absolute authority in all matters pertaining to faith and practice, as revealed in the Holy Scriptures, and that each Church has liberty, under the guidance of the Holy Spirit, to interpret and administer His laws.*
- 2. That Christian Baptism is the immersion in water into the Name of the Father, the Son, and the Holy Spirit, of those who have professed repentance towards God and faith in our Lord Jesus Christ who 'died for our sins according to the Scriptures; was buried, and rose again the third day'.*
- 3. That it is the duty of every disciple to bear personal witness to the Gospel of Jesus Christ, and to take part in the evangelisation of the world.*

The Declaration is based on the Great Commission in Matt 28. The first clause focuses on the issue of authority, whilst the other two clauses focus on baptism and mission. The first clause clearly states that the final authority within the church on all matters relating to our faith and practice is the person of Jesus. He's revealed to us through the scriptures, which is the second level of authority. '*Hence in the Baptist Union's Declaration of Principle there is acknowledgement that Christ is the supreme authority in all matters of faith and practice, but it is the scriptures which bear their essential witness. The final authority is a person, not a text alone.*' (Haymes, B et al. On Being the Church – Revisioning Baptist Identity p49) We discern his purposes and demands on our lives, guided by his Spirit, through the church meeting together, the third and much lower level of authority. The declaration makes it clear that each church has the liberty or freedom to understand his will and purposes. In all of this discernment we are dependent on Christ. As we are all part of his body, the church, we are also dependent on one another to help us discern his purposes for us, his people. In seeking to discern his will, a local church should look to the wider church body for insight, understanding and wisdom. As God's people we are dependent on Christ, his word, the guidance of his Spirit and one another as we seek to find his mind. '*...it is the gathered church – only – that has the liberty to interpret his laws, under the guidance of the Holy spirit. In the good providence of God, Christ speaks, and so scripture yields its meaning in a pneumatological event that happens when the covenanted community is gathered. ...no academic or ecclesial qualification is needed to read scripture – the only qualification is the aid of God's Spirit.*' (Holmes, S Exploring Baptist Origins p135)

In the light of this, the appropriate place for the question of whether a minister should be allowed to conduct SSMs to be addressed, is within the context of the church meeting, as each church seeks to work out the way it is called to respond to the missional context it finds itself in. In seeking to find the mind of Christ the local church needs to be open to hearing the voices of the wider church, and in this respect Council has expressed an affirmation of the traditional understanding of marriage as being between a man and a woman, and urged

churches to refrain from registering their buildings for SSM or for churches to leave Baptists Together because other churches have taken actions they disagree with. We need to listen to one another, and learn from one another, whether we hold a traditional view, an affirming view or something in between, as we have much to offer one another.

It would not be appropriate for our MRC or for our Council to step in and say on this particular matter of pastoral practice or theological conviction we have the mind of Christ and impose that on the local church. For this reason we have concluded that decisions relating to presiding at a SSM or not, should reside with the local church meeting, rather than our MRC. As the accrediting body we believe that it is appropriate for us to hold ministers to account for their personal conduct as we commend them to our churches, but in matters of pastoral practice and theological conviction that do not breach the Declaration of Principle, we believe that these decisions should rest with the local church.

(For further reading you can download [Something to Declare](#) or visit [The Courage to be Baptist](#) which explores these issues)

The Ministerial Recognition Rules

The MR Rules were updated at Council in March 2014 and as part of that update the clause relating to human sexuality was shortened. Appendix 3, subsection 5.1.2 now states:

'Homosexual orientation (whether male or female) is not of itself a reason for exclusion from the Ministry, but homosexual genital practice is to be regarded as conduct unbecoming.'

Previously the clause had additionally stated that:

'Those recognized are expected not to advocate homosexual or lesbian genital relationships as acceptable alternatives to male/female partnership in marriage.'

The 'advocacy clause' had been much misunderstood and had the effect of limiting discussion around the question of same sex relationships, and was therefore considered to be unhelpful.

The MR rules make no other reference to the question of SSM. Ministers may not enter a SSM themselves but as far as the MR Rules are concerned they may preside at SSMs if they can do so in good conscience.

However, it should be noted that Section 7 of the MR Rules, which deals with the removal of names, also states that the name of a minister will be removed from the register if *'The Minister no longer accepts the Declaration of Principle or is found to be in breach of it'*.

The rules refer to the potential for a minister's name to be removed, if they are found to be in breach of the declaration. A situation could arise, where a minister decides that they can in good conscience preside at a SSM but their church after careful discernment conclude that marriage can only take place between a man and a woman. If the minister ignores this and presides at a service elsewhere, there is the possibility that the church may formally raise the issue with the MRC and that this could result in some form of disciplinary action.

The Marriage (Same sex couples) Act 2013

The Marriage Act provides protection for ministers and churches that do not wish to marry same sex couples. Article 9 of the European Convention on Human Rights guarantees religious freedom, and the Marriage Act itself ensures that religious organisations and their representatives can continue to act in accordance with their doctrines and beliefs on this issue. For Baptists there are 3 elements of the Act which provide protection:

1. A religious marriage ceremony will only be possible if:
 - a) The governing body of the religious organisation (Church meeting) have opted in by giving explicit consent to marriages of same sex couples; and
 - b) The individual minister is willing to conduct the marriage, and
 - c) If the ceremony takes place in a place of worship, those premises have been registered for marriages of same sex couples.
2. It explicitly states that no religious organisation can be compelled by any means to opt in to marrying same sex couples or permit this to happen on their premises; and no religious organisation or representative can be compelled by any means to conduct religious ceremonies for same sex couples.
3. It amends the Equality Act 2010 to make it clear that it is not unlawful discrimination for a religious organisation or representative to refuse to marry a same sex couple.

The Act also explicitly recognises that many religious organisations believe that marriage should only be between a man and a woman. It is lawful to both believe and express this belief. It is unlawful to discriminate against someone simply because they hold such a belief under the Equality Act 2010, and Article 9 of the European Convention on Human Rights.

If the church registers their building for SSMs the minister cannot be compelled to conduct a SSM, and if they were removed from their office because they refused to do so, this would be an unlawful action by the church.

[\(Marriage \(Same sex couples\) Act Fact Sheet\)](#)

Summary

1. Decisions relating to presiding at SSMs are a matter for the minister and their church to determine rather than the MRC.
2. Ministers are protected by law and cannot be compelled to conduct a SSM against their conscience.

Advice for ministers in pastorate who are considering presiding at a SSM elsewhere.

It would be very wise to explore the question of SSMs with the church where you are the minister, before presiding at, or taking part in a SSM elsewhere; unless the church have already registered the building for SSM so it is clear that they are affirming. This provides the opportunity for the members to understand why you want to do this, and for you to be aware of their views. You may then participate with their blessing; decide that it would be better not to take part; or go ahead knowing that there may be consequences for your on going ministry. In the relatively recent past our churches were faced by the question of whether divorcees could be married in church. This was not simply a question of pastoral practice for the minister alone to determine, the church needed to be involved in discerning whether this was an appropriate response having grappled with the scriptures on divorce. While for many this is no longer an issue, there are still some ministers and churches that refuse to marry divorcees. The Marriage (Same sex couples) Act is a very recent and significant change in legislation that extends the definition of marriage radically. In these circumstances it is all the more important that you seek to discern together how you should respond in the light of scripture, rather than find yourself in a position where your ministry is no longer viable.

Advice for ministers, including retired ministers who are not in pastorate and considering presiding at SSMs
If you are a member of a church that is registered for SSMs and is therefore supportive of SSMs, and you can in good conscience preside at a SSM, then you may do so.

If the church has not registered for SSMs, then we would encourage you to discuss this with the church leadership and members seeking the approval of those with whom you are in covenant relationship. If you chose to disregard the discernment of the church meeting and preside at, or take part in a SSM service, it would be for the church to decide how they will respond to your actions.

However, if you are also accountable to a governing body for the ministry that you engage in, then you should also consult with them prior to presiding at a SSM. For example Regional Ministers are accountable to the Association Trustees.

Resources for further study on the question of SSMs.

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