



The General Assembly of 2015

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Perhaps it is only the ecclesiastical anoraks in the Church of Scotland who turn first in each edition of the *Church of Scotland Yearbook* to the survey of the previous General Assembly. The editor's assessment may not attract the same publicity as the annual review of the state of the Church of England in each new edition of *Crockford's Clerical Directory* but it provides an informed précis of the significant decisions and moments of each General Assembly, and occasionally provokes the reader to disagreement. But there could be no dissent from the editor's judgment concerning the General Assembly of 2015:

A single issue that dominated the discussion was the matter of 'equal marriage', although strictly speaking the Assembly was concerned only about whether individual Kirk Sessions may opt to depart from the current practice of the Church by calling and appointing ministers and deacons in civil partnerships.¹

A brief account of the route by which this issue attained such prominence may be helpful. In 2009, following its rejection of an appeal against the decision of the Presbytery of Aberdeen to sustain a call to the Revd Scott Rennie, a minister in a homosexual partnership, to Queen's Cross church in the city, the General Assembly set up a Special Commission on Same-Sex Relationships and the Ministry, chaired by Lord Hodge.² The Special Commission had been set up to provide a theological discussion of issues around same-sex relationships, civil partnerships and marriage. This involved examining whether the church should permit ministers to bless same-sex relationships involving life-long commitment, and whether the church's ministry of Word and Sacrament should be open to those who have entered into a civil partnership. The Special Commission of nine was to be 'representative of the breadth and unity of the Church'³ and

while that properly provided for discussion around the issues of same-sex relationships it inevitably prevented unanimity on the question of giving ministers permission to bless civil partnerships.

Meanwhile, the General Assembly in 2009 decided to impose a moratorium on the acceptance for training and ordination of those in a same-sex relationship and instructed the Theological Commission to continue a ‘process of discernment’. In fulfilment of that instruction in 2011, the Commission’s report offered the General Assembly two ‘trajectories’ for the immediate future: (1) to maintain the church’s traditional position on the ordination of people in same-sex relationships and to introduce an indefinite moratorium on the ordination of anyone involved in one; or (2) to investigate further the feasibility of allowing ministers and members of the church to recognise the value of life-long, same-sex relationships, recognising that this step would require further theological reflection before the church would be in a position to decide on the issue. When the General Assembly had expressed a preference for one or other option, it would be expected, after consultation with the Presbyteries, to adopt one or other of the trajectories.⁴ Lord Hodge’s commission spelled out bluntly to the 2011 General Assembly how delicate for the unity of the church the issue of same-sex relationships in the ministry is. It recorded that its wide consultations suggested that,

while a large majority of respondents wish to remain within the church, there are significant minorities at either end of the spectrum of views who would consider leaving the church if it were to decide the question of the ordination of people involved in a homosexual relationship in a way which was contrary to their views.⁵

The Commission concluded that its consultations did not give strong support for a radical shift in position on the ordination of people in a same-sex relationship but believed ‘that there are many in the church who consider that its current stance against same-sex relationships is not consistent with the teaching of Jesus.’⁶

This view was very strongly attacked at the General Assembly by prominent evangelicals. From the island of Lewis, the Revd Andrew

Coghill compared the ordination of homosexual ministers to ‘a hand grenade. We are being asked to pull the pin out,’ he warned, ‘and it will blow the church apart.’ The Revd Andrew Randall of Larbert said that what was being considered would ‘open the door to de facto revisionism and would be a Trojan horse for liberalism’. The Revd Louis Kinsey of Bridge of Don, one of the ministers who strongly opposed the induction of Scott Rennie to Queen’s Cross in Aberdeen, accused the church of following ‘modern culture and not Scripture’. However former Moderator Dr James Simpson said that he hoped the church would go on talking and listening to each other ‘rather than doing what too often has happened in our Presbyterian past: stomping out to form a new sect or a new church.’

After six-and-a-half hours of debate, the General Assembly voted by 351 votes to 294 to set up a Theological Commission ‘to continue the process of discernment’, supporting Lord Hodge in the three reasons he gave for appointing such a Commission. These were: (1) that if the church were to approve the ordination of those in covenant same-sex relationships, it would need to be in a position to allow itself to recognise these relationships and that would require theological reflection; (2) that if, in the meantime, there were to be a moratorium on the ordination of Christians in same-sex relationships (as was discussed), the church would require to approve it without prejudice to current office-holders, requiring the involvement in the process of the Ministries Council and the Legal Questions Committee; and (3) the obvious division in the church on the issue required the existence of a forum through which the church could continue the process of discernment and where those of differing views could explore them.

The General Assembly of 2011 also voted that the Church of Scotland would accept gay and lesbian ministers on condition that they had declared their sexuality and had been ordained before 31 May 2009. The introduction of that date stemmed from the decision of the General Assembly that year, establishing a moratorium and instructing all ‘all Courts, Councils and Committees of the Church ... not to make decisions in relation to contentious matters of human sexuality, with respect to Ordination and Induction to the Ministry of the Church of Scotland until 31 May 2011’, but also modified the moratorium to allow the induction to pastoral charges of ministers

and deacons ordained before the 31 May 2009 but ‘are in a same-sex relationship.’⁷

The Theological Commission, appointed on the recommendation of Lord Hodge’s Commission, reported in 2013. It recorded that it had been unable to reach a united conclusion and that it would have been unrealistic to expect anything else. The Commission then added that:

The question then becomes one of how far it is possible to live with a profound difference of opinion on issues of human sexuality, when that difference has exposed a deep-seated division within the ‘One Holy Catholic and Apostolic Church’. Those who have argued the Traditionalist case want the Church to accept that their reading of Scripture is the only admissible one, and insist that issues of human sexuality are to be determined by appeal to Biblical exegesis alone. Those who put forward the Revisionist case, while equally convinced of the validity of their argument and its Scriptural foundation, wish to allow for the profound complexity of the experience of each person made in the image of God and to affirm that in that very complexity the image is revealed more fully.⁸

Members of the Commission who supported it outlined the ‘revisionist’ case.⁹ In response to that situation, those who adhered to the ‘traditionalist’ case argued for it.¹⁰ Thereafter the Theological Commission outlined what it called a ‘mixed economy’ (a phrase coined by Rowan Williams). The Theological Forum used this term ‘with the intention of considering how two elements within the Church of Scotland may continue to work together despite their differences of approach and emphasis.’¹¹

The Theological Commission asked the General Assembly to choose between two approaches. The first, that since the Assembly of 2011, the church had been on a ‘trajectory’ which allowed people in same-sex relationships to serve in any role within the church, including the ministry of Word and Sacrament, but making due allowance for freedom of conscience in the application of that trajectory. The second affirmed the historic position of the church that sexual activity was

only permissible within heterosexual marriage, and those involved in other forms of sexual activity should not be ministers.

A third proposal was made in a counter-motion from the former Moderator, Very Revd John Cairns. The counter-motion would have had the effect of ensuring that those clergy in civil partnerships would be treated equally with others but, crucially, it did not provide a guarantee that congregations could opt not to accept gay clergy. Dr Cairns proposed his counter-motion with customary authority and conviction, and then withdrew it. John Cairns himself explained the withdrawal of his counter-motion as a response to criticism that it did not contain protection for conservatives and give congregations the right to opt not to call clergy in gay relationships. A different explanation is that John Cairns had presented the General Assembly with what conservatives would have regarded as the ‘worst case scenario’ and then withdrawn it in the hope that relief would produce the widest possible support for the Theological Commission. The immediate past Moderator, Very Revd Albert Bogle, a self-confessed traditionalist on sexuality, proposed what effectively was the ‘mixed economy’ in which the church affirmed the traditional view but allowed congregations to depart from it. It was Albert Bogle’s motion which was eventually approved. However that successful motion simply affirmed the historic view of the church but permitted congregations to choose ministers in civil partnerships. It was therefore left to the General Assembly of 2014 to approve specific legislation giving effect to the decision.

During the debate Professor David Fergusson successfully persuaded the General Assembly to instruct the Theological Forum to examine the theological basis of the ‘mixed economy’. This model has proved so critical to the debate on marriage and sexuality that it is important to quote in full the Theological Forum’s outline of it:

the ‘mixed economy’ model which, while maintaining the traditional position on marriage and sexuality [is] willing to accommodate a constrained diversity on the appointment of gay ministers in a civil partnership. Parallels can be drawn here with previous accommodations on divergent belief and

practice in relation to *inter alia* the Westminster Confession, the presence of Christ at Holy Communion, the re-marriage of divorced persons and the practice of baptism. In each case the Church of Scotland opted to maintain a traditional ‘default’ position but nevertheless to accommodate a greater diversity in belief and practice. These concessions could be criticised as introducing an admixture that was vapid if not incoherent; yet their worth in coping with theological and practical divisions is evident.¹²

Professor Fergusson took the view that the mixed economy might be the only way by which the church could live with such a clear difference of opinion.

At the General Assembly of 2014, the Theological Commission offered a justification for permitting a further mixed economy in relation to the ordination of gay ministers. The Commission did so by introducing another term which it found helpful in trying to produce a report which might allow for wide support: ‘constrained difference’, which,

may be a new and slightly awkward term, but it is intended to describe a ‘constrained’ or limited departure from a norm based on well-founded scriptural reasoning and not a ‘free for all’ state of relativism. It is not the belief of the Forum that tolerance of such difference necessitates division, or is a fundamental offence to either Scripture or to Christian history.¹³

The General Assembly of 2014 also instructed the Theological Commission and the Legal Questions Committee to prepare a report on whether or not same-sex *marriage* should be recognised as equivalent to *civil partnership* in terms of the Overture.¹⁴ It was that instruction which gave rise to the most sharp division in the General Assembly of 2015.

The debate and decision taken at the 2015 General Assembly must be understood in the context of the Theological Forum’s basic understanding of ‘mixed economy’ and ‘constrained difference’. Both these terms and their content owed much to the theological

sophistication, imagination and advanced groundwork of the Theological Forum's Convener, the Very Revd Professor Iain Torrance.

The issue of the 'mixed economy' not only dominated the General Assembly, it dominated the press coverage in advance of its meeting. Two opposing organisations vied to influence in advance the mind of the Assembly: Affirmation Scotland and Covenant Fellowship Scotland. Covenant Fellowship Scotland, which incorporated a previous group, Forward Together, was led by Revd Professor Andrew McGowan,¹⁵ who believed 'that the Church of Scotland is moving away from its roots in Scripture and the Westminster Confession of Faith', and urged all commissioners to the General Assembly to vote against the Overture anent Ministers and Deacons in Civil Partnerships.¹⁶ Professor McGowan said at the group's launch that 'The Church of Scotland is in the midst of a severe crisis', adding that, 'If approved, this overture will extend even further the disruption of the Church of Scotland. Many well-known congregations in Glasgow, Aberdeen, Edinburgh, Stornoway and elsewhere have already left the Church or been split in two. In addition, many individual members, elders and ministers have left.'¹⁷

Affirmation Scotland described itself as 'a group that has formed within the Church of Scotland [...] dedicated to the Gospel and a Church characterised by grace, compassion and inclusion.'¹⁸ Prominent within it were the theologian Revd Professor George Newlands, formerly of the University of Glasgow, and the Revd Bob Brown, formerly minister of Queen's Cross Church in Aberdeen, whose successor's¹⁹ induction sparked off the controversy over homosexuality in the ministry.

At the General Assembly of 2014 the Theological Forum recommended 'that it is theologically legitimate and possible in good conscience to allow space for [...] "constrained difference"'.²⁰ The General Assembly of 2014 'decided to permit constrained or limited departure from the Church's practice in respect of ministers or deacons in civil partnership.'²¹

The General Assembly of 2015 dealt with two aspects of the church's accommodation of the provisions of the Marriage and Civil Partnership (Scotland) Act. On its opening day, the General Assembly had to decide what to do in response to a report informing it that under

a Barrier Act procedure, over two-thirds of Presbyteries (31 out of the 45) had voted in favour of proposals to allow the ordination, induction or appointment of ministers who were in civil partnerships, with 14 voting against. The vote of the individual members of Presbyteries was considerably narrower, 1381 for and 1161 against.²² By 309 votes to 182 in an electronic secret ballot the General Assembly agreed that congregations should be allowed to appoint ministers who are in a civil partnership. Revd Gordon Kennedy of Craiglockhart said that the issue had been the greatest cause for disunity in the church for 170 years.²³ The Revd Iain Whyte, a retired community health chaplain, spoke of the suffering the church's attitude had caused to ministers who felt they had to hide their sexuality. In the course of the debate it was claimed that 21 ministers²⁴ were reported to have left the church over the issue. The same day, in a leading article, *The Herald* increasingly sensed 'that the Kirk can live with internal differences of opinion around such issues [as gay marriage], and indeed, will have to.'²⁵

The General Assembly is frequently unpredictable, and any who believed that the permission granted to ministers in civil *partnerships* to be appointed to congregations would pave the way later in the 2015 Assembly for ministers in same-sex *marriages* to be given the same right found themselves encountering considerably more hostility.

In a joint report to the General Assembly of 2015, the Legal Questions Committee and the Theological Forum reported²⁶ that they considered that, 'the Church is not currently in a position to extend its understanding of marriage to include same sex marriage.'²⁷

What the General Assembly of 2015 made the law of the church demonstrated 'constrained difference' by both affirming 'the historic and current doctrine and practice of the Church in relation to human sexuality (including marriage) and their application to the ministers and deacons of the Church'²⁸ but also allowed limited departure from the practice of the church when a Kirk Session decides to depart in order to permit the ordination, induction or appointment of a minister or deacon who is in a civil partnership.

The issue of equal marriage also arose on a second occasion at the General Assembly of 2015, in the joint report of a number of committees which reported that the Legal Questions Committee

‘remains concerned that there is a real possibility of a challenge to the scheme itself’ (i.e. for same-sex marriage), ‘and to any body or celebrant who chooses not to become authorised to solemnise same-sex marriage.’²⁹ To avoid such a challenge the Legal Questions Committee proposed that ministers and deacons would no longer be acting as agents of the state when solemnising marriages but these marriages would be recognised as having legal effect. However the Scottish Government was not persuaded. The Committee expressed concern both about the possibility of a successful legal challenge to the church’s position and to the potential costs involved.

In persuading the General Assembly to approve the principle of ‘constrained difference’, the Theological Forum and Legal Questions Committee may well have believed that a Gordian knot had been cut in the General Assembly’s decision to ask for a proposal which ‘Would not require the Church to abandon its traditional position [...] but would allow congregations – by decisions of their Kirk Sessions – to depart from the Church’s traditional position.’³⁰ One minister, however, spoke for many when he wrote that ‘It will seem strange [...] that a church can decide that its doctrine says one thing but that it will allow practices at variance with that doctrine.’³¹

Notes

- ¹ Douglas Galbraith, ed., *The Church of Scotland Yearbook 2015-16* (Edinburgh, Saint Andrew Press, 2015), 47.
- ² A Court of Session judge and former Procurator (Legal Counsel) to the General Assembly.
- ³ *Reports to the General Assembly of the Church of Scotland 2009*, (Edinburgh, Church of Scotland, 2009), 23/3. (Reports are hereafter cited as *Reports to the General Assembly [year]*.)
- ⁴ *Reports to the General Assembly 2011*, 23/36.
- ⁵ Ibid.
- ⁶ Ibid., 23/37.
- ⁷ Quoted in *Reports to the General Assembly 2013*, 20/8.
- ⁸ Ibid., 20/56.

- ⁹ Revd Drs Alan Falconer, Mary Henderson and Marjory MacLean.
- ¹⁰ Revd Gordon Kennedy, Revd Prof Andrew McGowan and Dr Jane McArthur.
- ¹¹ *Reports to the General Assembly 2014*, 20/3.
- ¹² Ibid., 20/12.
- ¹³ Ibid., 20/10. The proposal that the term ‘constrained difference’ might provide a valuable way of living with diversity was the suggestion of the Convener, Professor Iain Torrance.
- ¹⁴ *Reports to the General Assembly 2015*, 23/1.
- ¹⁵ Minister of Inverness East Parish Church and Professor of Theology at the University of Highlands and Islands, and at the time honorary Professor of Reformed Doctrine in the University of Aberdeen.
- ¹⁶ Covenant Fellowship Scotland, <http://www.covenantfellowship.scotland.com/> accessed 17 November 2015.
- ¹⁷ “Church ministers to sign covenant against gay ordination”, *The Herald*, 18 December 2014.
- ¹⁸ Affirmation Scotland, <http://www.affirmationscotland.org.uk/>, accessed 17 November 2015.
- ¹⁹ Revd Scott Rennie, who was in a homosexual relationship and subsequently married his partner. Mr Rennie had been an assistant minister at Queen’s Cross with Revd Bob Brown.
- ²⁰ *Reports to the General Assembly 2014*, 20/10.
- ²¹ *Reports to the General Assembly 2015*, 23/3.
- ²² Ibid., 5/2.
- ²³ That is, the issue of Presbyteries being allowed to sustain a call to openly gay ministers.
- ²⁴ Out of a total of 806.
- ²⁵ “Kirk should approach its annual gathering in upbeat mood”, *The Herald*, 16 May 2015.
- ²⁶ *Reports to the General Assembly 2015*, 23/1ff.
- ²⁷ Ibid., 23/4.
- ²⁸ Ibid., 23/6.
- ²⁹ The committees consisted of: the Legal Questions Committee, the Ministries and Society Councils, the Ecumenical Committee and the Theological Forum. See *Reports to the General Assembly 2015*, 7/1ff.

- ³⁰ *Minutes of the Proceedings of the General Assembly of the Church of Scotland 2013*, Session III, Wednesday 22 May, 61.
- ³¹ Rev Peter Nimmo, “General Assembly – how did the vote for gay clergy happen?” <http://oldhighststephens.com/generalassembly-how-did-the-vote-for-gay-clergy-happen>, posted May 21 2013, accessed 27 July 2015.