

Monday 3rd July 2023

Dear Archbishops, College of Bishops and key officers in the Church of England

We write as a broad alliance of leaders of networks across different traditions within the Church of England. We are all agreed there is no place for homophobia or discrimination in the Church. As such, we share the commitment to provide pastoral responses to address concerns. We remain committed to seeking a way forward together in fidelity to the mission of the Church, its structures and forms of deliberation.

However, we are duty bound to express our individual and collective concerns regarding the Living in Love and Faith process. We recognise that in the most recent update to General Synod regarding the Implementation Work for LLF (GS 2303), we are told that “no final decision has been made by the House as to the route by which the prayers will be made available for use”. Nonetheless, to date it had been indicated that it would be via Canon B5, and now in paragraph 13 we are given a steer that the House of Bishops “are particularly weighing up the option of approval by the Archbishops (under Canon B4.2)”.

Therefore, we are compelled to speak out about **the illegitimate and unconstitutional nature of the process** which is being adopted if you look to use either Canon B5 or Canon B4.2. Furthermore, we wish to highlight **the ambiguities that the whole process has, and will continue, to generate**. We are concerned about **the consequences of continuing** with this process and, the legal exposure and ecclesial discord which is likely to ensue. Our purpose in doing so is to encourage **a better way forwards**; one which is consistent with the legal and constitutional framework to which the Church is committed.

Openness and Transparency

Firstly, and perhaps most significantly, what is being proposed is **unlawful, unconstitutional and illegitimate if the Prayers of Love and Faith are made available by anything other than Canon B2**. It is not consistent with our Church polity. Nor is it in accordance with the manner in which matters of doctrinal and pastoral reform have been addressed in the past. As you are aware, there have been many occasions in recent years in which institutions (or officeholders) have failed to adhere to published standards. Without exception, the result has been a loss of confidence or worse. We consider that our Christian witness and the Anglican tradition require both transparent and legitimate decision making. It is in the interests of all members of the Church, and those to whom the Church seeks to re-affirm its welcome, that these principles are maintained. The means by which this is achieved is through due process.

Constitutional Legitimacy

The Canons confirm that due process for introducing a substantial change in a form of service is to go through Canon B2. By this means, “any approval, amendment, continuance or discontinuance of any form of service... shall not have effect unless the form of service or the amendment, continuance or discontinuance thereof is finally approved by the General Synod with a majority in each House thereof of not less than two-thirds of those present and voting” (Canon B2.2).

The use of Canon B4.2 or Canon B5 is unlawful, illegitimate and deprives Synod of its deliberative function and collective stewardship of such important matters. These routes may only be used to commend or authorise matters of an uncontroversial nature, and are therefore not a legitimate means of fulfilling aspirations regarding same-sex

liturgies. There is no possible means to argue that the provision of prayers for those in same sex partnerships is uncontroversial or not of substantial importance. After all, the issue has been an essential matter of discussion that has dominated the life of the Church of England for at least the last six years. Equally, the House of Bishops has issued a number of Pastoral Statements in relation to the Church's teaching on sexual intimacy; the most recent of which was after the enactment of the Marriage (Same-Sex Couples) Act 2013. The present proposals bear directly upon the content of those statements and, indeed, the Church's position on same-sex marriages generally.

Constitutional Expectations

We have the recent example of the extension of Holy Orders to women. This required examination and substantive motions (passed on simple majorities) that this innovation was not held to be a change of doctrine, followed by final approval for a change of practice agreed by two thirds majorities in all three houses of General Synod. Moreover, in considering changes to marriage discipline and approaches to human sexuality, similar processes have been used in other provinces in the Anglican Communion such as the Church in Wales and the Scottish Episcopal Church, where change has been brought about through a two thirds majority vote. As previously noted, there have been detailed (and carefully formulated) statements of the Church's teaching on marriage and sexual intimacy. Taken together, these attest to the importance of these matters within the doctrine and teachings of the Church. Previous practices have, in line with the Constitutional framework detailed within the Church's Measures, acknowledged the role of the General Synod in their legitimate and lawful resolution. Members of the Church enjoy a legitimate expectation that decisions about sex and marriage should be determined in a similar fashion and any related Prayers of Love and Faith agreed *after* this has been done.

Irrationality and Illegitimacy

The present proposals seek to commend forms of prayer that were previously rejected by the House of Bishops in 2020 for those who are in a civil partnership. These prayers are now also desired for those in a civil same-sex marriage, which had previously been seen as a departure from the church's teaching on marriage. The significance of this change will be self-evident. Whether the prayers constitute a change in doctrine or a change in teaching (a distinction we are not yet convinced of), it is necessary to secure the agreement of Synod through the normal route for liturgical developments. This is Canon B2.

Furthermore, it would be illegitimate and unconstitutional to do otherwise. To seek commendation under Canon B5 would be bypassing Synod through placing the decision making of a controversial and significant matter at a local level. To seek authorisation under Canon B4.2 would be to bypass Synod through centralising power in the hands of Archbishops Justin and Stephen. After the emphasis on involving the views of many diverse voices in the LLF process, it would be a matter of justified concern for any 'decision' to be undertaken in such an unconstitutional manner so as to involve just two people through Canon B4.2.

In recent expert legal opinion that we have sought, Dr Edward Morgan KC advises that the only safe, effective, and legitimate means by which the Prayers of Love and Faith can be adopted is by means of a resolution of the General Synod in accordance with Canon B2. He also states that any alternative route is likely to expose the Church of England, the Archbishops and the Diocesan Bishops to significant legal challenge.

The current process is therefore unlawful, illegitimate and unconstitutional. It renders the consultative and deliberative powers of Synod illusory in relation to a controversial and essential matter of substantial importance. In short: the very contingency for which General Synod was invested with its deliberative and legislative competence.

If maintained, the present path is also a risk-laden one, both for clergy and for bishops, because it vitiates the oaths of canonical obedience which includes the words "in all things lawful". It also has the potential to expose bishops and clergy to external legal challenge of direct or indirect discrimination in accordance with the provisions of the Equality Act 2010. We consider that the legal protection provided under the 2013 Act does not extend to the present proposals. Further, given the ministerial discretion, there is the potential for other forms of legal challenge against ministers themselves.

Ecclesial Ambiguity

The proposals that the House of Bishops have brought to General Synod are also **unclear and ambiguous**. Current proposals resort to the obscure theological gymnastics of separating civil marriage and holy matrimony into two separate and unconnected legal institutions, despite all previous theological and legal statements stating that both are to be seen as relating to the one institution of marriage.

Many of the Canons of the Church of England, along with clause (g) in the Living in Love and Faith motion at February's General Synod (the Cornes amendment), state that any prayers or service must "not be contrary to, or indicative of, a departure from the doctrine of the Church of England". This means there must be no indicative changes under the guise of extending or developing the existing doctrine of marriage. We consider this situation has arisen here.

As recently as November 2022, Bishop Sarah stated in Synod that marriage between a husband and wife is the proper context for sexual intimacy. It is therefore unclear to us if/why this view has now changed. Ultimately, what we are discovering is that there has been a failure to offer a clear theological rationale for changing the current teaching on marriage and sexual intimacy that has been held down the centuries and across the globe. In the words of the former Bishop of Norwich before the Select Committee discussing the Marriage (Same-Sex Couples) Act 2013: "The Church of England's understanding of marriage is rather unambiguously set out in Canon B30, as many of you will be aware, which says, according to Christ's teaching, marriage is the union of one man and one woman for life to the exclusion of all others."

The Consequences of Continuing

If the Church of England continues with the current direction of travel and a process which is unlawful and unclear, there are going to be two main significant consequences:

- (i) **Disunity.** We have already seen enormous disunity that has tested the possibility of continuing to walk together. If you continue with bypassing the accepted means of authorisation in order to introduce contentious prayers, the Church of England will become ungovernable due to the lack of trust in those in leadership. The only way to maintain the maximum degree of unity possible is to retain good process. Furthermore, we are concerned that going down this current route may be illegal, and it will therefore be challenged.
- (ii) **Disrepute.** The Church of England is a national body with a devolved legislative function. Being marked by poor process and failing to pay attention to power will bring the whole synodical governance of the Church of England into jeopardy. Senior leaders are not expected to be marked by disregard of views that do not fit with their desired outcome, nor by a desperation to bypass the regular means of synodical scrutiny so as to achieve their goals. This kind of behaviour will lead not just to a loss of trust in the bishops by the clergy and laity of the Church of England, but it will also lead to a broader loss of trust in the Church of England. This is bringing the Church of England into disrepute.

A Better Way Forwards

In summary, present proposals ignore the tried and tested democratic process of the Church of England. We urge you to acknowledge that the only means by which these matters may be lawfully and legitimately considered and acted upon is in accordance with the Church's constitutional norms as detailed in Canon B2.

Introducing a suite of liturgical resources for those in same-sex partnerships can be done fast or it can be done well. But it cannot be done both fast and well. Having taken five years of LLF deliberation to bring the Church to its current place, we now need to allow enough time for due consideration on wording in the proposed draft Prayers of Love and Faith and the as yet unwritten Pastoral Guidance and Pastoral Reassurance. Then, taking the three together, the Prayers need to be authorised using Canon B2 so that they are legally robust enough to work for all.

In addition, there is no reason that other proposals could not be brought before Synod. These might include, but not be limited to, changing the pre-supposition of celibacy for same-sex ordinands and clergy, or even bringing forward proposals to provide for equal marriage in church. All of these, as with the existing proposals, need to be approved under B2 (or as Article 7 business). This will provide the ultimate protection needed for bishops, clergy and laity for any changes that are introduced following a two-thirds majority vote in all three houses of Synod.

We want to be clear. This proposition of a better way forwards is still honouring the spirit of the vote at February's General Synod. It is not about rowing back from what was voted on. Rather we believe it is the only way to move forwards with integrity, holding onto both clause (e) and clause (g) in the Living in Love and Faith motion (GS 2289) that was passed in all three houses (but without a two-thirds majority in either the House of Clergy or House of Laity).

Finally, we want to assure you that by writing this letter we want to be part of the solution rather than part of the problem. For that reason, we would want to recommend that some of our number are part of an initial discussion about how there might be a settlement that charted a way forwards using Canon B2 which would enable us to walk together in a manner that would be far more unifying and sustainable than the current way. In our belief, that is worth aiming for.

With love in Christ

Fr Adam Gaunt, Chair of **Catholic Group** in General Synod
Emma Joy Gregory (née Forward), Vice-Chair of **Catholic Group** in General Synod

Tom Middleton, Director of **Forward in Faith** and Secretary of the Council of Bishops of **The Society**

Bradley Smith, Chairman of the **Prayer Book Society**
Prudence Daley MBE, former Chairman of the **Prayer Book Society**

Busola Sodeinde, Church Commissioner and **UK Global Majority rep**
Ade Adebajo, Lay Chair of London Diocesan Synod, Chair of Lambeth Partners and **UK Global Majority rep**
Canon Dr. Addy Lazz-Onyenobi, Member of General Synod and **UK Global Majority rep**

Revd Dr. Rich Johnson, National Leader, **New Wine**
Revd Wole Agbaje, Head of Young Adults, **New Wine**
Revd John Coles, **New Wine** Ambassador
Revd Paul Harcourt, former National Leader, **New Wine**

Revd Archie Coates, Vicar of Holy Trinity Brompton and Head of **HTB Network**
Revd Nicky Gumbel, President of Church Revitalisation Trust, **HTB Network**
Revd Sarah Jackson, CEO of Church Revitalisation Trust, and Chair of **HTB Network** on General Synod
Revd Jago Wynne, Vice-Chair of **HTB Network** on General Synod

Revd Canon John Dunnett, Chair of **Evangelical Group on General Synod** (EGGS)
Jane Patterson, Secretary of **Evangelical Group on General Synod** (EGGS)

Rt. Revd Julian Henderson, President of **Church of England Evangelical Council**
Sarah Tett, Trustee of **Church of England Evangelical Council**

Revd Kieran Bush, Chair of the **ReNew** Planning Team
Debbie Buggs, Member of **ReNew** and Member of General Synod and of the Crown Nominations Commission

Revd John McGinley, Executive Director of **MYRIAD**

Ed Shaw, Ministry Director of **Living Out**
Revd Canon Vaughan Roberts, Co-Founder of **Living Out**
Rt. Revd Keith Sinclair, Trustee of **Living Out**
Helen Lamb, Trustee of **Living Out**

All signatories are leaders of networks/organisations but are signing in their personal capacities, recognising they cannot claim to speak for everyone that they lead.

Recipients of the letter:

- The Archbishop of Canterbury and the Archbishop of York
- The College of Bishops
- Members of the Archbishops' Council
- First, Second, Third Church Estates Commissioners
- Chair, Audit and Risk Committee
- Secretary-General of the General Synod of the Church of England