

LAW AND POLITY ADVISORY GROUP

**THE 'LOCAL OPTION' FOR SAME SEX MARRIAGE**

**in answer to the following question posed by the General Secretary:**

'If Assembly wishes to permit same-sex marriages to take place in local churches of the URC, (a) how would such a resolution relate to our heritage and doctrine, and (b) what procedural steps would be necessary to effect this permission within the legal frameworks that shape the life of the URC?'

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1 The task of determining whether the URC should adopt the 'local option' on solemnizing or hosting the solemnization of same-sex marriages is for the General Assembly, exercising its function under paragraph 2(6)(x) of the Structure in interpreting the practice of the United Reformed Church.

2 Different arguments may be adduced to suggest whether or not this would constitute a change in the doctrinal formulations of the URC. The final authority competent to interpret paragraphs 2(6)(xi) and 3(1) of the Structure, which together attach procedural consequences to any change in such formulations, is – again under paragraph 2(6)(x) – the Assembly itself.

<p>The argument that the 'local option' <u>does</u> modify doctrinal formulations is as follows:</p> <p>The Westminster Confession of Faith 1647, Savoy Declaration 1658 and Presbyterian Church of England Declaration of Faith 1967 all refer to marriage in male-female terms. So also do the Church and Society Department statement 'The Christian view of Marriage' adopted by the Assembly of 1978, and three editions of the URC Service Book, of which the most recent appeared in 2003/04.</p> <p>.</p>	<p>The argument that the 'local option' does <u>not</u> modify doctrinal formulations is as follows:</p> <p>The pre-Union documents recognised in the Basis of Union as the URC's 'particular heritage' do not thereby become doctrinal formulations of the URC and have never been accepted as binding by members joining the church since 1972. Neither the 1978 Statement nor the Service Books were approved by the paragraph 3 procedure necessary for additions to the URC's formulations, and the Group does not believe they were so intended. All such statements made when same sex marriage was not legally possible also need to be read in the context of their time.</p>
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3 The Law and Polity Advisory Group can only tender advice, which Assembly can decide whether or not to follow. A majority of the Group is inclined to believe that a decision for the 'local option' would not imply or constitute a change in doctrinal formulations, and therefore it would not be necessary on that ground to refer it to other councils of the church under the provisions of paragraph 3(1).

4 However, as with all its decisions, the Assembly is bound by paragraph 4 of the Structure to make the fullest attempt to discover the mind of other councils and local churches likely to be affected by its decision on the 'local option' before taking that decision. The contemplated change in church practice is one on which there are known to be strong views, both for and against, within the church. For the avoidance of doubt and out of concern for the church's peace and unity, a majority feel there may be wisdom in referring it to other councils by a procedure similar to that prescribed in paragraph 3(1).

5 The Group's view is that it would be best for Assembly to consider this matter through a series of resolutions. The resolution of principle, to which any 'paragraph 3 type reference' should refer, should state that same sex marriage can (or cannot) be solemnized under the auspices of the URC where those concerned are willing. Only after a decision on this question of principle would the time be ripe for more specific resolutions of the kind called for by statute, which could be made known to the General Register Office in England and Wales and would indicate compliance with Scots legal requirements to be a matter for the National Synod.

6 How would this 'resolution of principle' on the local option relate to the church's heritage and doctrine in a broad sense, detached from the narrow procedural requirements considered above? The Group feels this is not only a matter for experts, but for every member of the councils concerned. The Assembly's Faith & Order Committee has already given a view. The LPAG contents itself therefore with drawing attention to four documents published at or after the formation of the URC which may have a bearing on this issue:

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| On Subsidiarity:                            | Structure of the URC paragraph 1(3)  |
| On formulating and reformulating the faith: | Basis of Union paragraph 18  |
| On Marriage:                                | 'The Christian view of Marriage', 1978   |
| On Same-sex Relationships:                  | Commitment on Human Sexuality, 2007<br>Resolution 13 of 2012 (Registration of civil partnerships on religious premises). |

Should a 'resolution of principle' be passed accepting the 'local option', it would be consistent with the precedent already set in the 2007 Commitment for a similar affirmation of the church's differing convictions on marriage, their sincerity and acceptability, to be considered promptly.

*22 December 2014*