

10. Revd Canon Anne Stevens (Southwark) asked the Chairman of the House of Bishops: The latest issue of Halsbury's Laws of England describes the Church of England as „an aggregate of individuals.“ It comments „The church may also be considered as an organized operative institution, although the Church of England is not a corporation.“ Given this, what was the body which issued „A Response to the Government Equalities Office Consultation“ from „the Church of England“ and on what legal basis did it believe that it had authority to speak in the name of the Church of England?

11. Revd Professor Richard Burridge (London University) asked the Chairman of the House of Bishops: Given the dispersed understanding of authority within the Anglican tradition, could the Chairman provide a brief explanation of the theological and/or ecclesiological basis of the current processes for public statements which are then seen as „the view of the Church of England“, such as the recent statement on gay marriage – which was unsigned, in contrast to previous statements issued in the name of, for example, the Archbishops' Council, or the Mission and Public Affairs Council, or other such bodies?

The Archbishop of Canterbury (Dr Rowan Williams), in reply: Since there are a number of overlapping questions in this area, I hope that Synod will give its indulgence if I group some of them. I would therefore like to take Canon Stevens's question along with that from Professor Burridge, if I may.

I have been reminded that in my first Presidential Address to Synod in 2003 I began with the words „does the Church of England exist?“ so I am a little bit sensitive to this question. My words come back to haunt me here. The submission that we are discussing had been discussed in draft by the Archbishops' Council and by the House of Bishops and amended to reflect comments made in both those fora. It was then issued with a covering letter signed by the Archbishop of York and myself, as has been the case in other instances where major issues have been involved; for example on the House of Lords reform; on the issue of Crown Appointments five years ago; and on the abolition of the office of Lord Chancellor some years before that.

The underlying legal basis for what was said in the submission is provided by Canon B30, which begins, „The Church of England affirms, according to Our Lord's teaching, that marriage is in its nature a union permanent and lifelong, for better, for worse, till death them do part, of one man with one woman, to the exclusion of all others on either side...“

Revd Professor Richard Burridge: On a point of order. I asked a question under SO 105(a)(i) of the Archbishop of Canterbury in his capacity as Chairman of the House of Bishops, under SO 106(a)(ii) regarding the business of that body, for the theological and ecclesiological basis of the process, in the light of the dispersed authority within the Anglican tradition – which, as the Archbishop has reminded us, is traditionally the bishops in Synod with the clergy and laity. The House of Bishops does not include the last two groups.

The answer he has given to Canon Stevens's question provides a legal basis – it could be argued an ecclesiological basis – for the content of the answer from Canon B30 but it has not provided any theological or ecclesiological basis for the process. I would therefore like an answer to my question and then, after that, there may well be supplementaries.

The Archbishop of Canterbury: I will have a go! I take it that the theological and ecclesiological ---

The Chairman: Archbishop, could you just hold on a minute? Dr Burridge, I think there was an implied answer in the Archbishop's response to your question.

Revd Professor Richard Burridge: It was not about the process. I asked about process.

The Chairman: I have determined that there has been an answer provided to your question and you are welcome to formulate a supplementary.

Revd Professor Richard Burridge: As a supplementary then, would the Archbishop please give us a theological and ecclesiological basis for a statement from the House of Bishops, which does not include the clergy or the laity, for the dispersed authority of Anglicanism, which is different from: when the Pope speaks, that is what the Church of Rome believes?

The Archbishop of Canterbury: I am getting a little confused as to what the question actually is, but I shall try to answer it.

First of all, of course, the document submitted on behalf of the Church of England was not a document of the House of Bishops as such. It was discussed with the House of Bishops, as with the Archbishops' Council, which, I think it could reasonably be argued, is an expression of the bishops in Synod in terms of its relationship to this body. Given that the bishops do have, theologically, the guardianship of the tradition and teaching of the Church, the House of Bishops clearly has a leading role in the discussion of any such response. That role was exercised when the paper, which I shall come to other aspects of in a moment, was submitted to the House, as for the Archbishops' Council, for comment and invited revision.

Revd Canon Anne Stevens: I am very grateful to the Archbishop for his reply to my question. Could I ask, though, whether official responses in these areas that are somewhat controversial, and are known to be, could at least acknowledge the presence of some diversity in the Church?

I am very interested that his reply speaks about Canon B30 because, of course, the Church does recognize some diversity in the application of that canon in relation to people marrying following a divorce. Can there be some acknowledgement of diversity, therefore, in official responses?

The Archbishop of Canterbury: The first thing to say, and again I had planned to say this later on, is that there is precisely such an acknowledgement in the document where the ongoing discussion of the ethics and the Church's attitude to same-sex partnerships is specifically flagged, I think in paragraph 5 of the submission. It is not exactly a secret that the Church of England is having some discussions about this. If it is, it is probably the worst-kept secret in Christendom. However, it is noted there.

I could elaborate on the issues around Canon B30 as they affect the point you have made, but I think some would want to argue quite strongly that flexibility about how we respond to the breakdown of marriage is something rather different from the definition of the term itself.

12. Revd Michael Parsons (Gloucester) asked the Chairman of the House of Bishops: What was the membership of the group that produced the submission to HM Government on same-sex marriage?

13. The Dean of Portsmouth (Very Revd David Brindley) asked the Chairman of the House of Bishops: Who is the author of GS Misc 1027 and what consultations were held by the House prior to its discussion and approval of that paper?

14. Mr Tom Sutcliffe (Southwark) asked the Chairman of the House of Bishops: When the House of Bishops endorsed in a general way its response to the Government's consultation on same-sex marriage, were there votes taken and, if so, with what results; were all the detailed suggestions made carried through into the final form of the submission to the Home Secretary; and what were the grounds in tradition and law on which the detailed deliberations of the House on the matter were not made available to other General Synod members?

15. Mrs Mary Durlacher (Chelmsford) asked the Chairman of the House of Bishops: Whilst grateful for its robust defence of the institution of marriage, who was consulted when the Church of England's response to the Government Equalities Office consultation, Equal Civil Marriage, was drawn up?

16. Mr Gerald O'Brien (Rochester) asked the Chairman of the House of Bishops: Who was consulted prior to the making of the recent response to the Government's proposals to change the legal definition of marriage?

17. Mr Robin Hall (Southwark) asked the Chairman of the House of Bishops: In preparing a response on behalf of the Church of England to the Government's consultation on equal civil marriage, were any bodies other than the Archbishops' Council and House of Bishops consulted?

The Archbishop of Canterbury (Dr Rowan Williams), in reply: The question from Revd Michael Parsons and questions 13–17 cover very much the same ground, so I will again risk giving a composite answer to them, if I may. The very short answer is that the group that produced the submission was, in the first instance, a staff group – as it would be in any such exercise; but the history of this is that, following the Prime Minister's announcement last autumn that the Government intended to conduct a consultation with a view to legislating for same-sex marriage, the Archbishops' Council considered a paper last November from the staff on the possible implications for the Church of England.

The Council at that time agreed that further work was needed on the rationale behind resistance to or unhappiness with the Government's proposals; that is, the legal and theological position of the Church of England, as set out in its formal declarations. It also agreed that there should at that point be discussions with ecumenical partners. Following the publication of the consultation document in March, the staff prepared a draft submission which, as I have said, was considered by the Archbishops' Council and the House of Bishops at a residential meeting of the Council and the House of Bishops in May. It was also shared in draft with members of the Mission and Public Affairs Council.

The Archbishops' Council agreed – quoting from the minutes here – that “a clear response needed to be submitted and that the draft covered the necessary ground” but asked for a number of drafting changes at that point. At a later meeting of the House of Bishops, the House “agreed the general shape of the response, considered a number of detailed suggestions regarding the content of the draft and invited the Archbishops to finalize the draft.” This we did between the meeting of the House on 22 May and the submission of the document on 11 June. It is not usual to consult the General Synod on responses to Government consultations – I refer you to what I said about earlier examples – and of course, in the event, there was no Synod meeting during the three-month consultation period, which ran from March to June.

Mr Robin Hall: During the drafting of this response on our behalf, was any consideration given to the pastoral care of those thousands of loyal Anglicans, who woke up on the morning of Tuesday 12 June to discover that, in their view, their Church officially demeaned and discriminated against their permanent, faithful and stable relationships?

The Archbishop of Canterbury: I think the question is a somewhat question-begging way of putting it, in that the question of whether there is discrimination involved here is precisely what a lot of the argument has been about. On the question of pastoral care, I think it was very much in the minds of the bishops in their discussion of this subject and I believe that that was also why much has been made in public discussion since then of our need to be affirmative of civil partnerships within the guidelines issued by the House, and a recognition that we have not always got this right.

Revd Michael Parsons: Is the Archbishop aware of the outrage felt by a significant proportion of the Church of England that this statement was issued in the name of the Church of England, whereas they would wish to dissociate themselves completely from it? Is it possible that the bodies that put it together find themselves somewhat out of step with the rest of the Church?

The Archbishop of Canterbury: The answer to the first part of your question is yes. We could hardly be unaware of this. To the second part of the question, I think it remains the case that we are, as the Church of England, bound by the law which governs us. The consultation document we received was one which was deeply flawed in its consideration of the actual legal position of the Church of England and its clergy. Whatever the tonality of the response and the problems that are caused by that, the fundamental legal issues will not go away.

The Dean of Portsmouth: In view of the statement of the Church's support for the legal status of same-sex couples expressed in the statement, when will the House consider authorizing the liturgical recognition of this support?

The Chairman: I am afraid that question is not in order. It is not addressing the subject of the answer and the original question.

Mr Gerald O'Brien: May I thank the Archbishop for the response that was made to the Government's consultation period and that it was made within the time limit the Government had prescribed, and also thank him on behalf of many members of the Church for a robust defence of marriage. (Applause)

Mrs Mary Durlacher: I would ask the Archbishop if there are any plans for further meetings, or any meetings, between Church of England representatives and Lynn Featherstone or others from the Government.

The Archbishop of Canterbury: I believe that is the subject of a later tabled question. May I come to that later?

Mr John Ward (London): Would the House of Bishops prepare a report, including voting records and speeches made by the Lords Spiritual in the House, to see whether they can genuinely support the view expressed in the summary that “We have supported various legal changes in recent years to remove unjustified discrimination and create greater legal rights for same-sex couples...“?

The Archbishop of Canterbury: We have in fact already done that work. The information is available.

18. Revd Canon Simon Butler (Southwark) asked the Chairman of the House of Bishops: The document A Response to the Government Equalities Office Consultation, 'Equal Civil Marriage' is identified as "a response from the Church of England." Can clarification be provided as to what is meant by "the Church of England" in terms of (a) the process by which this document was prepared; and (b) the bodies which considered it prior to its submission?

The Archbishop of Canterbury (Dr Rowan Williams), in reply: I think I have already clarified in answer to earlier questions.

Revd Canon Simon Butler: In order that there is some form of accountability within the Church, will the Archbishop ensure that documents submitted in the name of the Church of England bear the name of a body or persons who are answerable for it?

The Archbishop of Canterbury: As I said earlier, the custom has been that papers are produced routinely by staff as part of their work. They are cleared, depending on the subject matter, with the various divisions or councils concerned. With matters of what you may call cross-divisional interest and larger concern, they are shared with Archbishops' Council and the House of Bishops; and, because the Archbishops are Presidents of those bodies, they are the ones who sign off finally.

I am not quite sure how we would break it down to secure quite the goal you are asking about, but I hear the question.

19. Revd Andrew Dotchin (St Edmundsbury and Ipswich) asked the Chairman of the House of Bishops: GS Misc 1027 states that one of the benefits of marriage to society is „the possibility of procreation“ (paragraph 6) and also that this distinctiveness is „seen most explicitly in the biological union of man and woman which potentially brings to the relationship the fruitfulness of procreation“ (paragraph 10). Despite the clarification at the end of paragraph 10, does this mean that the belief of the Church of England is that any marriage without the possibility or intention of procreation is flawed?

The Archbishop of Canterbury (Dr Rowan Williams), in reply: The answer is no. The Church of England has never regarded the validity or indeed value of a marriage as dependent on the possibility or intention of having children. The words at the end of paragraph 10 of the submission are worth quoting in full. "Even where, for reasons of age, biology or simply choice, a marriage does not have issue, the distinctiveness of male and female is what gives marriage its unique social meaning."

20. Revd Stephen Coles (London) asked the Chairman of the House of Bishops: In the light of the response from the Archbishops' Council and the House of Bishops to the Government consultation on same-sex marriage, are there any plans for General Synod to debate this so that the current mind of the Church of England can be discerned?

The Archbishop of Canterbury (Dr Rowan Williams), in reply: Currently, the House of Bishops has no plans to invite the Synod to debate this specific question. It is important to note that any such debate would involve consideration of changing Canon B30, which I referred to earlier.

Revd Stephen Coles: In that case, how does the Archbishop suggest that the Church of England may be able to express the understanding of marriage amongst a not insubstantial number of its members, not least in this Synod, which is not entirely compatible with that represented by Canon B30?

The Archbishop of Canterbury: I think there would be a number of ways in which such a question could come to Synod, could come to other consultative bodies. I invite members of Synod to consider what those might be.

21. Mrs Joanna Monckton (Lichfield) asked the Chairman of the House of Bishops: What plans does the House/Council have for a meeting with Government ministers about proposed legislation on same-sex marriage, in the light of the excellent consultation response issued by the Church?

22. Mr Gerald O'Brien (Rochester) asked the Chairman of the House of Bishops: In discussions with Her Majesty's Government on the proposals to legislate to change the legal definition of marriage, has the House of Bishops questioned:

- (a) what mandate the Government claims to make the changes it proposes;
- (b) what evidence the Government has that there is any significant demand from the public for the proposed changes; and if so, what answers were received?

23. Revd Prebendary Rod Thomas (Exeter) asked the Chairman of the House of Bishops: Following the excellent submission made by the Archbishops to the Home Office in response to the Government's consultation on same-sex marriage, are there any plans to request a meeting with the Home Secretary in order to secure a direct response to the compelling arguments the Archbishops have made?

The Archbishop of Canterbury (Dr Rowan Williams), in reply: May I roll up Mrs Monckton's question with those from Mr O'Brien and Prebendary Rod Thomas?

Following the Prime Minister's announcement last autumn, there have already been several formal and informal discussions with a number of Government ministers, including the Home Secretary. There have also been discussions between Home Office and Church House officials. That discussion is ongoing, in answer to the supplementary earlier, and continues to be an important part of the work that many staff members and bishops are routinely involved in.

One of the concerns that is flagged in such discussions is the basis of the mandate for changing the state's understanding of marriage, given the lack of any commitment in the election manifestos of the main parties. It is, at the very least, a question that requires, I would say, a more lucid answer than it has yet received. However, it is only right to note in that context that same-sex marriage now has the official support of all three main parties.

Revd Prebendary Rod Thomas: I thank the Archbishop for those replies and for the assurance on the ongoing meetings. May I ask whether, in the light of the revelations in the press last week about the apparent suppression by the Government of questions relating to the impact of same-sex marriage on what is taught in schools, consideration has been given to making further representations to the Government about the likely impact on Church schools and the difficulties this might cause?

The Archbishop of Canterbury: I am not aware that any consideration has yet been given to that, but I am grateful to you for drawing our attention to it.

Mr Gerald O'Brien: Would I be correct in inferring from the Archbishop's answer to my question that he does not accept that the Government has a mandate to make these changes and that the Government has offered no evidence that there is no significant demand from the public for them?

The Archbishop of Canterbury: I think that would be a reasonable inference.

24. Mrs Joanna Monckton (Lichfield) asked the Chairman of the House of Bishops: Has any legal advice been sought to answer the question of whether Church of England clergy will be able to refuse to marry same-sex couples in church, should the proposed legislation to allow such marriages be passed?

The Archbishop of Canterbury (Dr Rowan Williams), in reply: The Government's present proposals are to change the law so that only so-called civil weddings would be possible for same-sex marriages. In our submission we questioned whether this policy would prove sustainable, politically or legally. It is, of course, one of the unsatisfactory elements in the consultation document that those who drew it up were apparently unaware of the fact that there does not exist any distinction in law between civil and religious marriage at present.

If same-sex weddings became possible in places of worship where the relevant religious authorities gave their consent, there would then be important questions to resolve about how such consent provisions would work in a way that safeguarded religious freedom. It is doubtful whether the European Court of Human Rights would ever compel a Church or a faith group to conduct services contrary to its religious convictions. What is less clear is whether it would be content for Church of England clergy, given their current legal status, to continue to exercise the powers of the State in relation to marriage, if the Church were only prepared to do so on what might be held to be a discriminatory basis.