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Changing our corporate mind: reflections on paradigm shift in ethical thinking

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Abstract

Legalisation of marriages with a deceased wife's sister (MDWS) was once controversial among Christians. The pattern of Presbyterian pronouncement on MDWS – initial dogmatic assertion (accompanied by debatable claims about their long-standing traditions), strong initial claims about the teaching of scripture, apocalyptic fears about possibly drastic social consequences of liberalisation, and later muted acceptance – is also reflected in the English Reformed Churches' discussions of divorce and remarriage. The author notes both the inexperience and ill-preparedness of church bodies for the debates, accompanied by initial dogmatism disproportionate to their experience of the subject, and the diversity of opinion on divorce and remarriage held by people who shared a common approach to scripture.

The tone of discussion and the manner in which dialogue takes place is in itself part of the church's witness just as much as what is said. Truth and unity must be seen as equally important: faithfulness to God requires both orthodoxy and orthopraxis. Unity is founded on relationships rather than holding the same opinion on all matters. This is based on the relational unity of God the Trinity. In seeking scriptural guidance, the Christian community must read scripture together rather than individualistically.

Acts 11–15 provide guidance when re-evaluating deeply held convictions, but purported analogies between the acceptance of Gentiles in the church without requiring them first to conform to the Jewish requirement of circumcision and the acceptance of other conduct require close examination.

'The annual blister': a strange cautionary tale

'I would rather hear of the landing of 300,000 Frenchman at Dover than of the passing of [a Bill for legalisation of marriages of widowers with their deceased wife's sister]'. So said the Victorian judge Sir William Page-Wood, later Lord Hatherley (a Lord Chancellor). In 1871, this remark was quoted enthusiastically by a group of twenty-four leading Scottish Presbyterian ministers who opposed legalisation of marriages with a deceased

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wife's sister (MDWS) in a pamphlet addressed to English Nonconformists (who generally favoured legalisation), with a view to changing their opinion.[1]

The Scottish ministers concluded that changing the law would adversely affect the happy relationships which could exist in households where the sister of a wife lived as if she were the husband's sister too. A change would lead to 'hopeless sinking into the abyss of cold and cynical indifference to the purity of our national life'. Hence, they 'would rather hear of the landing of 300,000 Frenchman at Dover than of the passing of this Bill'.

Such marriages were eventually legalised in 1907. The topic had by then long been rather a joke, and was satirised in Gilbert and Sullivan's *Iolanthe* (1882) as 'that annual blister, marriage with deceased wife's sister'.

Law reformers, most English Nonconformists, and many Anglicans all saw legalisation as a socially necessary reform which caused no theological difficulties. Nevertheless, there was an improbable consensus between High Church Anglicans and Presbyterians, both from Scotland and (at least until the 1870s) England, in opposing legalisation of MDWS on scriptural grounds.

I discovered this curiosity when researching the development of theological thinking about marriage, divorce and the remarriage of divorced persons in the United Reformed Church (URC) and its predecessors.[2] Remarkably to me, during the nineteenth century MDWS attracted far more discussion than did divorce.

The legal background to the MDWS controversy is distinctly arcane. Briefly, it became apparent from a court decision in 1847 that the effect of 'Lord Lyndhurst's Act' of 1835 precluded MDWS and that a large number of purported marriages 'within the prohibited degrees' were legally void, a significant problem on which a Royal Commission reported in 1848. Many such 'marriages' had been entered into since the 1835 Act, despite the fact that they were legally void, 'with disastrous consequences to the parties and their children' (who were, accordingly, illegitimate). The Commission saw this as a significant social issue. Many people of 'unimpeachable character and religious habits' entered such marriages; unions between poor widowers and their deceased wives' sisters were almost inevitable when they were in close proximity, the practical consequence in many cases being cohabitation.

[1] Charles J. Brown, *The relationships which bar marriage, considered scripturally, socially and historically: being a respectful address to the Non-Conformist Ministers of England by Ministers of the Presbyterian Churches of Scotland* (Edinburgh, 1871).

[2] 'Attitudes to Marriage, Divorce and the Remarriage of Divorced Persons in the United Reformed Church and its Predecessors 1830–1992', University of Birmingham Ph.D. thesis, 1993.

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During the mid-nineteenth century, both church and secular bodies alike took for granted that whatever legislation on MDWS (or divorce) was to be enacted, it should be consistent with scriptural principles.[3] Evidence given by Nonconformist (Congregationalist, Baptist and Wesleyan Methodist) representatives led the Commission to conclude that English Nonconformist bodies 'do not appear to entertain the opinion that these marriages are interdicted by Holy Writ' or that 'they are in themselves reprehensible'. But the evidence and subsequent conduct and published opinions of Presbyterians told a different story! During the period between 1850 and the early 1870s Synods of the Presbyterian Church in England frequently considered, condemned and petitioned Parliament against the legalisation of MDWS. Presbyterian periodicals frequently gave glowing reviews to regularly published tracts purporting to show from scripture why such marriages were forbidden.

Subsequently, however, these strongly held and polemically expressed convictions apparently lapsed into silent indifference. By the time of legalisation (1907) the Nonconformist press portrayed opposition to legalisation as a foible of High Church Anglicans. The refusal of certain Anglican clergy to refuse communion to those who married the sisters of their deceased wives was the subject of litigation.[4] Nonconformist opinion was predictably hostile to such Anglicans. Subsequently, MDWS ceased to attract any reported attention, even on the part of Presbyterians. In stark contrast with the polemical tone of Brown *et al.*'s 1871 pamphlet, the Committee on the State of Religion and Public Morals of the Presbyterian Church of England (PCE) complaisantly observed in 1914 that, while the PCE's Synod had made no pronouncements for the guidance of its ministers on MDWS, 'as there is very general agreement within the Church, the Synod's remissness has perhaps done no harm'. What a difference a generation makes! Such a parting remark on a once heated debate makes the earlier polemicism look absurd.

Nevertheless, the pattern of Presbyterian pronouncement on MDWS – initial dogmatic assertion (accompanied by debatable claims about their long-standing traditions), strong initial claims about the teaching of scripture, apocalyptic fears about possibly drastic social consequences of liberalisation and later muted acceptance – is also reflected in the English

[3] The Royal Commission of 1848 (re MDWS): 'Some persons contend that these marriages are forbidden . . . by scripture. If this opinion be admitted, *cadit quaestio*'.

[4] *Banister v. Thompson* [1908] p. 62; *R v. Dibdin* [1910] p. 57; affirmed *sub nom. Thompson v. Dibdin* [1912] A.C. 533.

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Reformed Churches'[5] discussions of divorce and remarriage. However, English Presbyterians seemed unaware of the *volte face* which had taken place within their tradition, let alone of any need to explain it theologically. Naturally I wonder whether Christians of future generations will reflect on current and recent controversies over homosexuality in a similar light – as our generation's 'annual blister'.

Debating controversial issues

My own research on marriage and divorce and recent controversies over homosexuality have led me to believe that the manner and tone in which controversial issues, especially those which might involve a significant change of view, are debated among Christians generally, or within the councils of the Church, of themselves raise important ethical issues. These were not identified in the debates which I researched. They have, however, been expressly recognised in recent controversial debates within the Anglican Communion arising from the way some parts of the Anglican Communion had approached homosexuality. In my judgement, the views expressed about the handling of the process of debating controversy may ultimately prove more important than the views expressed about homosexuality itself.

In this article I will first sound some cautionary notes arising from my own research of controversial (or once controversial) areas of sexual morality. I then offer some theological reflection based on recent reports and other literature. Whilst my illustrations come from the area of sexual morality, I believe they are of general relevance to controversial or divisive debate.

Cautionary notes

Clear guidance is not always possible

I carried out my research on divorce and remarriage because it had been a controversial question in the congregation of which I was a member before I went to train for ordained ministry. As a result of carrying out my research, I changed my views both about divorce and remarriage and about the issues weddings in church raise in general. Moreover, during the three years of my research, although I eventually reached some firm, though not unproblematic, conclusions, there were many periods during which my provisional views were both tentative and subject to significant change. Confronted with the same issues and dilemmas, a council of the church might simply not be in a position to offer definitive guidance – to the exasperation both of its members and outsiders.

[5] I use this term to refer to the denominations covered by my Ph.D. research.

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Inexperience of the subject-matter

Church bodies were ill-prepared for the debates of MDWS and divorce. As regards MDWS, this was scarcely surprising, since the precise nature and severity of the legal problem did not become apparent until 1847; the Royal Commission reported the very next year, though it took Parliament six decades to enact its recommendations. Prior to the Royal Commission of 1909–12 on divorce ('the Gorell Commission'), the facilities for divorce were so exiguous and expensive that in 1900 a mere 700 petitions for divorce were issued. Nonconformist witnesses to the Gorell Commission said that neither they nor their ministerial colleagues had any real first-hand experience of divorce. As regards homosexuality, what Helmut Thielicke wrote in 1964 of German Protestantism would probably also have been true of the English Reformed tradition before about 1990:[6]

> One cannot expect to find in the theological ethics of German-speaking Protestantism a clear, consistent attitude towards homosexuality simply because the writers on ethics have taken little or no notice of the mere fact itself and therefore a body of opinion – to say nothing of a unanimity of judgment – is almost non-existent.[7]

Dogmatism of initial pronouncements and subsequent retreat

Ill-preparedness for debate arising from inexperience of the subject-matter is understandable. Nevertheless, as with Presbyterian opinion on MDWS, the initial statements by the Presbyterian Church of England (PCE) and Congregational Union of England and Wales (CUEW) about divorce were accompanied by a dogmatism of assertion out of all proportion to their experience of the subject or theological reflection. Thus in 1910 the PCE and CUEW confidently stated to the Gorell Commission that they recognised no ground of divorce except adultery. The PCE claimed to be of one mind with the Presbyterian Churches of Scotland, despite the fact that the latter clearly had for centuries accepted divorce on the ground of desertion. So too did the Westminster Confession, to which all English as well as Scottish Presbyterian ministers and elders technically adhered. When the Congregationalist witnesses were cross-examined, it became apparent that there was a far greater diversity of opinion among Congregationalists than the opening official pronouncement had suggested. Moreover, had they paid more attention to the views of leading figures within the Reformed tradition,

[6] Apart from a passing reference to the implications of decriminalising homosexual conduct, it had not been debated by the councils of the churches I researched.

[7] H Thielicke, *The Ethics of Sex* (Cambridge: James Clarke & Co Ltd, 1964), p. 269.

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they would have found a considerable diversity among the Reformers, all of whom took Erasmus' exegetical work as the starting point of their reflections on divorce.[8]

Despite the apparent conclusiveness with which initial pronouncements had been expressed, Christian leaders and church councils nevertheless soon had to reconsider their opinions. Once the Gorell Commission had reported and published recommendations inconsistent with the PCE and CUEW's initial pronouncements, there was a significant shift (and diversity) in opinion.[9]

Widely varying opinions were held by people who shared a common approach to scripture

In the vast majority of literature and church reports I read on divorce and remarriage produced in the period from around 1910 to around 1990, the authors accepted the historical-critical approach to biblical interpretation. However, this did not result in consensus among those committed to its methods. In the Church of England,[10] this approach, coupled with the increasing influence of Anglo-Catholic sources, actually resulted in a stricter attitude to divorce: the priority of Mark's gospel over Matthew suggested that the *porneia* exception (Matt. 5:32, 19:9) was not part of Jesus' original teaching.[11] The Congregationalist C. J. Cadoux had great confidence both in this methodology and in his conclusion that this should be reflected, as far as Christians were concerned (though not necessarily by the state), in a strict 'no divorce' attitude.[12] Cadoux's views, though not generally representative of Congregationalists, influenced the Churches of Christ's principal theologian, William Robinson, who, during the period 1922 to 1954, based at least three different views of varying degrees of conservatism on essentially the same approach to scripture.

By contrast, during the late 1970s, Professor Charles Cranfield, in a paper originally written for a URC working party on remarriage (subsequently

[8] V. N. Olsen, *The New Testament Logia on Divorce: A Study in their Interpretation from Erasmus to Milton* (Tübingen: J. C. B. Mohr (Siebeck), 1971).

[9] Richard Goldring, 'Divorce and Dissent: Free Church Attitudes to Divorce and Remarriage 1910–1937', *Journal of the United Reformed Church History Society* 5/10 (June 1997), pp. 622–32.

[10] A. R. Winnett, *Divorce and Re-Marriage in Anglicanism* (London: Macmillan, 1958).

[11] e.g. Bishop Charles Gore explained to the Gorell Commission that new methods of biblical criticism had caused him to re-evaluate his views. Goldring, 'Attitudes to Marriage', p. 254.

[12] C. J. Cadoux, *Catholicism and Christianity* (London: Allen & Unwin 1928); *The Case for Evangelical Modernism* (London: Hodder & Stoughton, 1938); *The Historic Mission of Jesus* (London and Redhill: Harper, 1941).

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published in *The Bible and Christian Life*[13]), used the same historical-critical method to reach a conclusion that accepted the remarriage of divorcees and managed to hold together the strictness of Jesus' teaching with the practical realities created by human sinfulness. He drew an all-important distinction 'between those elements [of the OT law] which set forth the absolute, perfect, will of God and those elements which, taking into account men's actual sinfulness, are intended to limit and alleviate its evil consequences'. Deut. 24:1 did not '[set] the stamp of divine approval on divorce', so 'for man to destroy such a union stands inevitably, therefore, under God's judgement'. For Cranfield, whilst Jesus' teaching was 'strict', this did not mean strict in the sense that, as many others maintained, that marriage was incapable of dissolution. He suggested that the church should help those who, in relation to marriage, are obviously in situations tangled by sin, to accept both God's judgement on their lives and also his forgiveness and to step out, trusting God's blessing, into that path which gave the best hope of approximating in the future as near as possible to God's perfect will.

Although church reports sometimes said that divorce and remarriage must be discussed in the light of the gospel as a whole, they seldom attempted to explain what this meant. Cranfield's treatment is one of few that I found that could truly be called 'theological'. Much other opinion treated exegetical matters exhaustively but offered little theological reflection about what to do with the conclusions reached.

I would accordingly caution against the superficial assumption that someone's view on a specific controversial issue will easily be predicted from their overall theological outlook.

Cranfield's paper was merely one of several by different members of the URC working party set up in 1977. No attempt was made to present a consensus view and the findings of the working party did not purport to be prescriptive or give a definitive view. Unsuccessful attempts had been made at four PCE General Assemblies during the 1960s to lay down a policy on remarriage, the eventual solution being to allow people to agree to differ. I sensed an attitude developing during the 1960s and 1970s of diminished confidence that any clear guidance could be found in scripture. Such lack of confidence that consensus was necessary or achievable is a serious matter when we turn to other issues such as the ordination of homosexuals, where a solution that merely allows people to agree to differ is no solution at all.

[13] C. E. B. Cranfield, *The Bible and Christian Life* (Edinburgh: T & T Clark, 1985), pp. 229–35. The quotations come from the working party paper, to which minor revisions were made before it was republished in the 1985 book.

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Contemporary controversy: Windsor Report and response

Introduction

Earlier I welcomed the fact that, in recent discourse about controversial matters among Christians, attention has been given to the process itself. The Windsor Report (2004) concerned the conflicts within the Anglican communion arising from the actions of the Episcopal Church in the United States (ECUSA) in consecrating Gene Robinson as the denomination's first openly homosexual bishop and of the Canadian Diocese of New Westminster in developing rites for the recognition of same-sex unions. The commission which produced it did not directly address the issues of homosexuality itself, the ordination of homosexuals or same-sex unions. Instead, the commission concentrated upon damage to Anglican unity resulting from the actions of the American and Canadian churches. The Report and ECUSA's response, *To Set our Hope on Christ* (2005), are of interest and importance to Christians of all traditions because of their attempt to reflect on the very process of debating an issue which is both potentially divisive and which might involve a changing of the church's view of the issue.

Truth, unity, Trinity and community

The tone of discussion and the manner in which dialogue takes place is in itself part of the church's witness to outsiders just as much as what is actually said. As the Windsor Report puts it,[14] as a reflection on Ephesians, 'God's people are to be, through the work of the Spirit, an *anticipatory sign* of God's healing and restorative future for the world'. The Report accordingly begins appropriately by stressing 'The communion we have been given in Christ':

> The *unity* of the church, the *communion* of all its members with one another (which are the primary subjects of this report), and the *radical holiness* to which all Christ's people are called, are thus rooted in the trinitarian life and purposes of the one God.[15]

One critic, R. Albert Mohler Jr, President of Southern Baptist Theological Seminary in Louisville, KY, argues that the Report 'sacrifices truth on the altar of unity'.[16] However, the Report itself (as well as ECUSA's response) recognises the necessity for both, while acknowledging the acute epistemological problem of discerning what truth is, with a corresponding likelihood of controversy and polarisation of opinion. Often truth is

[14] Windsor Report, para. 2.
[15] Ibid., para. 3.
[16] 'First Person: The Windsor Report – A Failure of Nerve', *Baptist Press* (19 Oct. 2004).

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conceived of as being of a propositional nature, yet Jesus enigmatically tells us that truth is a person, himself (John 14:6). Mohler appears to think that unity must, if faithfulness to the truth so requires, be sacrificed for the sake of orthodoxy. I would argue that faithfulness to God cannot be interpreted in terms simply of a propositional approach to truth but requires consistency with God's revealed will as a whole; accordingly, faithfulness requires both orthodoxy and orthopraxis. Accordingly, the conduct of Christians towards each other must continue to exhibit the fruit of the Holy Spirit even when they disagree profoundly.

In this regard I welcome the Windsor Report's consciously trinitarian approach. One of the most important insights of trinitarian theology is that God himself is a community or society. God does not exist (and never, even before the creation of the world and of the human race existed) in splendid isolation, for within God's very being there is this intimacy of fellowship, of love. 'The being of God is a relational unity: it consists in the fact that it is a communion, a being in which the persons give to and receive from each other what they are.'[17] This perichoretic view of the Godhead is reflected in Rublev's famous icon of the Trinity. The implications of this are that, within the Godhead, the particularity of persons does not result in conflict or rivalry or one asserting rights at the expense of others.

This has profound implications for the way human beings, especially Christians, are to relate to each other, for at least two major theological reasons. First, humankind is created in God's image. Though that image in us may be marred by sin, we are still left with clues about the nature of God. Accordingly, Orthodox theologian Andrew Walker argues. 'The *imago dei* is . . . an iconic metaphor: the creatures are *like* the Creator: they bear his *image* and stamp (character); they do not share the nature of the prototype (certainly there is no partaking of the divine nature without the divine adoption by the Spirit).'[18] Nevertheless, even though the likeness had been virtually lost, and the image made opaque through the fall, that did not mean that we have therefore *no* clue as to the nature of God's being in himself. We could not therefore say that it was impossible to construe the character of the *imago dei*. 'If, however, we want to apply the *koinonia* of God's communion to persons created in his image, then we have to begin to work with an understanding of personhood as constituted by *membership*

[17] British Council of Churches, *The Forgotten Trinity* (1989–91), vol. 1, para. 4.2.3; John Zizioulas, *Being as Communion* (New York: St Vladimir's Seminary Press, 1985).

[18] John Zizioulas argues to similar effect in *Being as Communion*.

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and fellowship; combining the *distinctiveness* of being with a *communality* of nature . . . '[19]

This implies that, when facing ethical dilemmas, neither can the interests of one interest group be exalted over the needs of the community as a whole nor can the needs or human problems of such a group be suppressed on the grounds that only the community matters. The trinitarian conception of personhood warns us against the excesses of both individualism and collectivism.[20]

Moltmann too emphasises that it is *people*, that is persons-in-relationship rather than isolated individuals, that are made in the image of God: 'the image of God must not merely be sought for in human individuality; we must look for it with equal earnestness in human society'.[21]

The nature of the divine creation of human beings in God's image thus shows that *relationships* between human persons cannot be treated as optional extras that may be grafted on (or not) to individuals who are self-sufficient. Faithfulness to God requires Christians to honour this aspect of God's creation.

Second, and perhaps even more compelling, is Jesus' High Priestly prayer. For his first disciples, he prays:

> Holy Father, protect them in your name that you have given me, *so that they may be one*, as we are one. (John 17:11, NRSV)

Jesus prays that the intimacy between those disciples will be as close as the very relationships within the Godhead. Then he goes on to pray for those who will *become* Christians in the future through the witness of the disciples. For them he prays:

> that they may all be one. *As you, Father, are in me and I in you, may they also be in us* . . . so that the world may believe that you have sent me. The glory that you have given me I have given them, so that they may be one, as we are one; I in them and you in me, that they may be completely one . . . (John 17:21–3, NRSV)

As Walter Kasper puts it, 'The revelation of the Trinity is . . . the revelation . . . of the unity and oneness of God, which in turn is the grounds of the unity of the church and, via the church, the unity of the world . . . . The

[19] Andrew Walker, 'The Concept of the Person in Social Science: Possibilities for Theological Anthropology', in British Council of Churches, *The Forgotten Trinity*, vol. 3, p. 153.

[20] British Council of Churches, *The Forgotten Trinity*, vol. 1, ch. 4; vol. 2, ch. 6.

[21] J. Moltmann, *The Trinity and the Kingdom of God* (London: SCM Press, 1981), p. 199.

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oneness of God is defined as a communion of Father and Son, but indirectly also as a communion of Father, Son and Spirit; it is defined as unity in love'.[22]

ECUSA noted that Jesus' prayer was offered for disciples who would soon deny and abandon him. 'Given such acts of compassion, generosity and availability on the part of our Lord, how much more should we continue in *koinonia* and hospitality with those with whom we disagree'.[23] In the light of the above reflections, I would maintain that all who seek to be faithful (orthopractical as well as orthodox) need to do this. The implication is that Christians must not merely preserve but also seek to develop their relationships with people whose convictions differ from their own.

In short, my claim is that unity is founded on relationships rather than holding the same opinion on all matters and that this is based on the relational unity of God the Trinity.

Relationship and dialogue

Recent reflections on inter-faith dialogue – where there is a meeting of people of strong and varying convictions – are relevant and pertinent to discourse among Christians with conflicting viewpoints. David Bosch comments 'both dialogue and mission manifest themselves in a meeting of hearts rather than minds',[24] suggesting that, in controversial Christian discourse, we must come as entire persons, not simply to express opinions, but willing to engage with others as entire people, not simply as representatives of a viewpoint, and make ourselves vulnerable in doing so, recognising that such an engagement will change us.

The World Council of Churches, in its report, *Ecumenical Considerations for Dialogue and Relations with People of Other Religions* (2003), outlines several important criteria for dialogue. It frankly recognises that we have to approach dialogue with commitment to our own faith convictions (including the Christian doctrine most likely to cause difficulty in an inter-faith context, namely belief in a *triune* God)[25] and that we do not start with a completely open mind. The Windsor Report and ECUSA's response appropriately recognise clearly that Christians of integrity hold widely varying viewpoints. Second, one benefit of dialogue is that it 'produces constant re-appraisal of our understanding of the Biblical and theological tradition. It brings change in the experience of our own faith,'[26] as well as the opportunity for mutual questioning and,

[22] W. Kasper, *The God of Jesus Christ* (London: SCM Press, 1984), p. 305.
[23] ECUSA, *To Set our Hope on Christ*, para. 1.5.
[24] D. Bosch, *Transforming Mission* (New York: Orbis Books, 1991), p. 483.
[25] World Council of Churches, *Ecumenical Considerations for Dialogue and Relations with People of Other Religions* (Geneva: WCC, 2003), para. 12.
[26] Ibid., paras. 18–19.

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if appropriate, justified criticism.[27] Exposure to opposing viewpoints from other committed people of faith may give us a sharper appreciation of the strengths and weaknesses of our own viewpoints, and of the complexities of the issues at stake. Third, 'dialogue is . . . the means of building bridges of respect and understanding' and nurturing relations.[28] Given the essentially relational nature of the Godhead and of people made in God's image, the relationships fostered by dialogue are of fundamental importance. Fourth, in dialogue we take due account of the historical, economic, political and cultural factors that form the background to and have shaped the current situation.[29] I would also include 'legal background'.[30]

Even in the inter-faith context, Bosch affirms the legitimacy of seeking to change the deeply held convictions of others. 'It is fallacious to suggest that, for dialogue to be "in", mission has to be "out"'.[31] As Bosch points out,[32] appropriate attitudes towards those with whose convictions we disagree are part of ortho*praxis* authentic Christian witness/faithfulness.

Whilst we may hope through dialogue to find solutions to problems, the process itself, focusing on the essential relatedness of Christians, is a part of our *witness* to a triune God, a means by which we allow God to use us in answer to Jesus' High Priestly prayer (John 17:20–1), 'that they may all be one. As you, Father, are in me and I in you, may they also be in us . . . *so that the world may believe that you have sent me*.' For the Christian community to model an approach to controversial matters that is strikingly counter-cultural in adopting not an individualistic (or sectional, factional) approach so typical of both modernism and post-modernism might itself be a significant act of witness to the gospel.

Handling of scripture

Within the Christian community, by contrast with the inter-faith context, dialogue will be focused around the community's attempt to discern God's will through scripture. The Windsor Report observed that, while 'mention of scripture today can sometimes seem divisive', we should nevertheless expect the Bible to be a means of unity, not division. 'Our shared reading of scripture across boundaries of culture, region and tradition ought to be the central feature of our common life, guiding us together into an appropriately rich

[27] Ibid., para. 23.
[28] Ibid., paras. 20–1.
[29] Ibid., para. 22.
[30] See pp. 181–2, *Context*.
[31] Bosch, *Transforming Mission*, p. 487.
[32] Ibid., pp. 484–5.

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and diverse unity by leading us forward from entrenched positions into fresh appreciation of the riches of the gospel as articulated in the scriptures.'[33]

In *Beyond Foundationalism*, a work undergirded by the consciously trinitarian approach I advocated above, Stanley Grenz and John Franke seek to move beyond the arid 'foundationalism' (and polemicism) which has characterised theological debate since the Enlightenment. Writing for a theologically diverse readership, they propose a theological methodology that views theology as arising from the interplay of the Spirit, who speaks through the biblical text, of tradition, which provides a historical interpretative framework, and culture, which gives context for constructive theological reflection. They argue:

> A theology of Word and Spirit need not lapse into subjectivism . . . What leads to subjectivism is the articulation of such a theology in the context of a basically individualistic understanding of the event of revelation. In other words, the problem of subjectivism arises only when we mistakenly place individual [I would interpret this to include 'party'] ahead of the community.
>
> The declaration that our final authority is the Spirit speaking through scripture does not vitiate against acknowledging that the Bible remains scripture apart from our personal hearing of the Spirit's voice through it. On the contrary, the Bible's status as scripture is not dependent on whether or not we *individually* acknowledge the Spirit's voice speaking through scripture. Rather, the Bible remains objectively scripture because it is the book of the church. From its inception, the community of Christ . . . has been a people who gather around the text to hear the Spirit's voice speaking through it. And throughout the ages this community has testified that the sovereign Lord has spoken – and continues to speak – through the pages of the Bible.[34]

Such a need for a community reading of scripture is recognised both by the Windsor Report itself[35] and ECUSA's response.[36]

Discernment in community and receptivity

The Windsor Report contains an important and interesting argument about the process of theological development. Virtually all Christians agreed that

[33] Windsor Report, para. 62.
[34] Stanley J. Grenz and John R. Franke, *Beyond Foundationalism* (Louisville, KY: Westminster John Knox Press, 2001), p. 68.
[35] Windsor Report, paras. 59, 67.
[36] *To Set our Hope on Christ*, *passim*.

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theological development, including radical innovation, was necessary and that the Holy Spirit enabled the church to undertake such development. This normally happened in response to the missionary imperative to articulate the faith afresh in different cultures; but how was the line between faithful inculturation and false accommodation to worldly thinking (cf. Rom. 12:1–2) to be discerned and determined? The Spirit's justification could not be claimed for every proposed innovation. Nor could long-standing tradition justify the rejection of all such proposals. The church therefore needed procedures to discuss, sift, evaluate and decide upon proposed developments, that is, to honour the process of 'reception',[37] by which the pronouncements of a church council would be tested by how the faithful 'receive' it. The *consensus fidelium* ('common mind of the believers') provided the check that a new declaration was in harmony with the faith. The doctrine had been used in Anglicanism to test whether a controversial development, not yet approved by a universal Council of the Church but nevertheless arising within an Anglican province, might gradually come to be accepted as an authentic development of the faith. The process involved a clear threefold sequence:

(1) theological debate and discussion,
(2) formal action and
(3) increased consultation to see whether the formal action settled down and made itself at home.

This consultative process was the very opposite of confrontation and a way of maintaining church unity during a time of experiment and uncertainty.[38]

Mohler severely criticises this aspect of the Report, claiming that its 'concept of doctrinal development and the so-called "doctrine of reception" makes eventual acceptance of homosexuality a virtual assurance . . . [The adoption of this report] will mean the eventual triumph of the pro-homosexual argument within the church'. However, this would be the outcome only if, as a result of this 'reading of scripture together', this 'common *discernment in communion*', broad consensus were achieved that such an outcome was the leading of the Holy Spirit.[39]

[37] Windsor Report, para. 32.
[38] Windsor Report, para. 68.
[39] The URC followed a comparable process between 1997 and 2000 (two years of debate, followed by a General Assembly resolution in 1999 setting forth a proposed statement of the Church's position on homosexuality, followed in turn by debate of such statement in the subsidiary councils of the church) but led neither to the result Mohler fears nor indeed to *any* clear declaration. The 'formal action' (Assembly

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The Windsor Report argues, however, 'that the doctrine of reception only makes sense if the proposals concern matters on which the Church has not so far made up its mind'.[40] This comment was explained by reference to particular aspects of Anglican Church order. I have two concerns about such a limitation. First, even where a church has adopted no formal resolution on a subject, that does not necessarily mean that there is not a prevailing viewpoint. Second, if the church has previously 'made up its mind' but reached conclusions whose validity has become questionable or even ridiculous, this may be a strong reason for re-evaluation using the process of reception. It could prove extremely valuable in circumstances where (to adopt Andrew Goddard's phraseology) 'there is a well-established traditional majority view within the people of God but this view (although it claims to have God's authority – especially through his Word) is now being questioned by a significant group within the faith community',[41] that is, situations in which Goddard believes it could be appropriate to draw an analogy with the situation in Acts 15 (see next section).

Scriptural precedent for a corporate change of mind

Do any particular scriptural texts contribute to our understanding of the process of re-evaluating deeply held convictions? Andrew Goddard, writing in 2001,[42] draws attention to the appearance in debates about homosexuality of the narrative of the Jerusalem Council (Acts 15) concerning the inclusion of the Gentiles by the early Jewish church. ECUSA draws heavily not only on Acts 15 but chapters 10 and 11, which concern the conversion of Cornelius and Peter's defence of his conduct in going to his home and eating with him. ECUSA's approach is to draw a parallel between the acceptance of gentile Christians in the early Church without insisting that they first conform to the Jewish requirement of circumcision and the acceptance of gay Christians in the Church without insisting that they remain celibate.

ECUSA commented that for forty years, its members have discerned holiness and the fruit of the Spirit in exclusive, life-long, same-sex

Resolution) did not 'settle down' and 'make itself at home', in that the subsidiary councils did not accept the proposed policy statement, in my view because, as a single composite resolution it was vulnerable to attack for being either too conservative or too liberal. The result has been that in the URC there has been no formal policy on homosexuality during the period since the 2000 Assembly.

[40] Windsor Report, p. 69.

[41] Andrew Goddard, *God, Gentiles and Gay Christians: Acts 15 and Change in the Church* (Grove Ethics Series, 121; Cambridge: Grove Books, 2001), p. 9.

[42] Ibid.

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relationships and had come to support the blessing of such unions and the ordination or consecration of persons in those unions. Indeed, some such unions exhibited 'holiness [which] stands in stark contrast with many sinful patterns of sexuality in the world'. As a result, ECUSA believed that God had been opening its eyes 'to acts of God that we had not known how to see before' and felt itself in an analogous position to Peter and his companions in Acts 10, who, initially hesitant to welcome righteous Gentiles like Cornelius into their church, discovered that God had already welcomed them (Romans 14:3) and poured out the gifts of the Holy Spirit upon them. ECUSA accordingly believed that the account of the inclusion of the Gentiles (Acts 10–15) had permitted it to interpret its own discernment of holiness and the fruit of the Spirit within homosexual relationships in the light of the early Church's experience.[43]

ECUSA acknowledged[44] that Peter appeared to be biblically orthodox when he was initially reluctant to cross traditional clean/unclean boundaries by eating unclean animals (Acts 10). He was obedient to the clear prohibitions in Leviticus 11. Nevertheless, there was an implied criticism of Peter's certainty that he knew what was clean and unclean in the face of a vision and a voice from heaven inviting him to eat. God led Peter beyond this very certainty in the unfolding of God's plan of salvation. Whilst the Gentile Cornelius was called righteous man, he was clearly outside what the church, following Leviticus, thought it should include. God took the initiative and it took the church a while to catch up with what God was doing. The Holy Spirit's meaning was not immediately self-evident and both Peter and Cornelius took a while to work out what this new thing was. They came to understand each other by listening to the other tell his story of how God had led him to this encounter. They convinced others within their own groups by telling that same story. Peter was rightly called to account for his actions by those who had not shared his experience, as his testimony was strange and seemed contrary to the scriptures. It was only after Peter told the story of how he had been led by the Spirit, how he had perceived God's grace upon Cornelius and the others, how the Holy Spirit had clearly fallen upon them, and that this was why he went ahead with the baptism, that the rest of the church was ready to consider the matter in greater detail.

ECUSA recognised that there was here no discussion of rights, such as a right to be baptised or a right to proceed contrary to the stated mind of the church. Instead, Peter and the others gave testimony which was persuasive about the gifts of the Spirit manifest in Cornelius and the other Gentiles.

[43] ECUSA, *To Set our Hope on Christ*, paras. 2.0, 2.1, 2.10.
[44] Ibid., para.2.10.

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The proposed analogy is striking because, as ECUSA points out, this issue (like homosexuality) could clearly have divided the church. The church strove to avoid that outcome. Peter and the others both trusted God and were willing to withstand criticism for actions that were in clear opposition to the prevailing views of scripture at the time. The church community waited to hear Peter's testimony and debate the issue with him rather than censure him for his irregular action.

Turning then to Acts 15, ECUSA argued as follows: the Jewish church was not requiring Gentiles to become like themselves, or to live in some cramped way so as not to offend. They decided not to add any yoke that they themselves would not be willing to bear. Then comes a statement which raises important questions about how far the analogy can be pushed:

> It seems to us that arguments such as that persons of same-sex affection can be ordained only if they remain celibate are thus rejected by implication. In the Anglican tradition, celibacy has been understood as a gift given to some, not a requirement for ordination.[45]

Goddard scrutinised this sort of approach[46] to 'test how valuable Acts 15 might be for both the structure and substance of the homosexuality debate'. In particular, he questions whether the passage and early church experience to which it bears witness can be used to draw 'revisionist' conclusions. His main thrust is to assess the appropriateness of the analogy drawn by 'revisionists'. He points out that it is not solely in relation to controversy over homosexuality that Acts 10–15 had been appealed to. One leading evangelical scholar, R. T. France, had appealed to Acts 15 to explain his own change of mind over the matter of the ordination of women in the Church of England. France's critics had questioned his analogy. Whilst defending France's analogy, Goddard argues that:

> Acts 15 acts best as a paradigm today in situations where there is a well-established traditional majority view within the people of God but this view (although it claims to have God's authority – especially through his Word) is now being questioned by a significant group within the faith community. Viewed as an instance of this wider category, the early church debate on whether and on what basis Gentiles might become full members of God's people can shed fresh light on how

[45] Ibid., para.2.10.

[46] Goddard, *God, Gentiles and Gay Christians*, p. 5. He was not considering ECUSA's response itself as his work predated that.

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the church might respond in a number of contentious areas including homosexuality.[47]

Whilst Goddard accepts the validity of using Acts 15 in ethical discourse concerning a quite different subject-matter than the original (circumcision of Gentile converts), he then explores at length the adequacy of the analogy drawn between the early church debates about the place of Gentiles and the contemporary debates concerning homosexuality.

As to the validity of narratives of experience (such as discerning the work of the Spirit among particular people in particular situations) I share Goddard's concern that these need to stand in dialectical relationship with our reading of scripture. Nevertheless, 'a new experience of God at work in the present can lead to a fresh understanding of the biblical text', as was the case in relation to France's change of mind over women's ordination.[48] Goddard believes that the role of James at the Council of Jerusalem was vital because he offered a fresh overview of the scriptures on which the traditionalist, circumcising, party had placed reliance. In Goddard's judgement, however, '"revisionists" are in desperate need of someone like "James"'. As yet, he believed (writing in 2001, before the ECUSA paper), 'no serious attempt' had been made 'to find any textual warrant in scripture for changing the church's teaching on homosexuality'. This is a formidable objection.

I identified the widely varying usages to which the New Testament texts on divorce have been put, where essentially the same method of biblical interpretation of the same texts had been used to justify quite different conclusions. There would, however, have been general agreement about which texts were relevant. In the current controversy over homosexuality, ECUSA both argues that, while scholars disagree as to the interpretation of the biblical texts on same-sex relations, there is now broadly a consensus about which biblical texts are the most important to the debate and accepts the need to face the challenge of scriptures that appear contrary to the position ECUSA is advocating. ECUSA therefore considers such passages at length to explore whether they warrant a more liberal interpretation.[49]

Goddard scrutinises closely the appropriateness of the analogy between Gentiles in the early church and gay Christians. He notes that some Christians support the use of Acts 15 and accept homosexual relationships as the early church accepted Gentiles. Others, however, reject homosexual relationships

[47] Ibid., p. 9.
[48] Ibid., p. 11.
[49] ECUSA, *To Set our Hope on Christ*, paras. 2.18–2.22.

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and refuse the use of Acts 15 as a hermeneutical guide for current church controversies. These, he argues, are false alternatives.[50] First, Acts 15 concerns the acceptance of *people* within the church but it is illegitimate to proceed from this to acceptance of their *actions*. Moreover, whilst Gentile believers were accepted without the requirement first to become Jews, James nevertheless warns Gentiles against certain forms of misconduct traditionally associated with Gentiles (Acts 15:20), which both warns against pushing the analogy too far and may undermine the revisionist case – for amongst the activities warned against are sexual immorality (*porneia*, a notoriously difficult word to define). As Goddard notes, some scholars have suggested that, though James does not explicitly cite any scriptural authority, he is implicitly appealing to Leviticus 17 and 18, which contain, amongst other things, the prohibition of male homosexual acts.

Goddard accordingly concludes that there is strong evidence that to view homosexual practice as acceptable for gay Christians is to push the analogy from Acts 15 further than it logically can go. I would have liked to see comment by ECUSA on the significance of the warnings given to Gentiles at Acts 15:20, because, as Goddard suggests, this is vital to assessing the appropriateness of the analogy. However, the discussion usefully identifies important texts concerning 'otherness' and the reappraisal of long-standing convictions. I would welcome further exploration by councils of the church about their value and application.

Context

I think it important to spell out clearly what the parameters for church discussion are, because legal developments will affect them.

ECUSA commented that the apparent signs of holiness exhibited within same-sex relationships 'has led us to the conviction that covenanted same-sex unions can be open to God's blessing and holy purposes in an analogous way to that of marriages between a man and a woman'. Since the entry into effect of the Civil Partnership Act 2004, such partnerships – between members of the same sex – have become legally possible in the UK. Despite the Government's statement that there was no intention to introduce same-sex marriage, that civil partnership would be 'a completely new legal relationship, exclusively for same-sex couples, distinct from marriage', barrister Jacqueline Humphreys compellingly argues that 'civil partnerships are in all important respects the same as marriage in terms of practical legal effect. Civil partnerships also share the overwhelming majority of the conceptual understandings of marriage that exist within English law.

[50] Goddard, *God, Gentiles and Gay Christians*, pp. 19ff.

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The key difference is, of course, the gender of the participants.' Her view that, legally, such partnerships are the equivalent of 'same-sex marriages' conflicts with pronouncements by the Church of England's House of Bishops.[51]

At a popular level it is already commonplace to hear references to 'gay weddings' and 'gay marriage'. So how should ECUSA's phrase 'covenanted same-sex union' be interpreted within a UK context now? Should it be applied (or confined) to cases where there is, at least from a legal perspective, the equivalent of a 'gay marriage'? Humphreys argues that:

> For society and more liberal people in the Church to accept the conservative view that same-sex sexual activity is always wrong, the conservatives will have to show why the faithful sexual expression of love within this form of relationship, which looks remarkably like a marriage, is necessarily wrong.

In other words, the new legal framework affecting same-sex relationships will, Humphreys argues, be a factor which will challenge and affect the views of Christians.

Time

ECUSA recognises that the process of debate and seeking consensus on a controversial topic, which challenges previous orthodoxy, will take time and that controversy will not disappear overnight. It argues (my italics):

> Acts 10–15 never implies that the entire early Christian Church agreed about [whether or not Gentiles might be accepted into the Church without complying with Jewish requirements] . . . But *eventually* the mind of the whole Church changed on this matter. Now it is difficult to remember that there was ever a time when Gentiles were not welcome or were considered a danger to the Church . . . The point of these accounts in Acts is that a particular part of the Church . . . has an experience of the Spirit that prompts them to question and reinterpret what they would previously have seen as a clear commandment of Scripture, not to associate with a particular group of people who were considered unclean. After *careful deliberation* and *much discussion* (Acts 10–15) the Church as a whole agrees. Not everyone agrees, however . . . The Church as a whole gradually shifted its position, but only after careful reflection. In the meantime, there was

[51] J. Humphreys, 'The Civil Partnership Act 2004, Same-Sex Marriage and the Church of England', *Ecclesiastical Law Journal* (Jan. 2006), pp. 289ff. This can be found online at: www.sarmiento.plus.com/cofe/humphreys.html.

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room for a diversity of lifestyles, which were all understood as committed to seeking holiness in the Lord.[52]

In the light of my own research on divorce and remarriage, I find these comments realistic and appropriate. I would be far more optimistic that a significant measure of agreement could be achieved on that in the URC now, if it were deemed necessary to do so, because of long experience of living with the pastoral and theological problems and because, despite differences of opinion or emphasis, Christians are not minded to withdraw from fellowship with each other over this issue.

Conclusion

Acts 11–15 shows that it is possible for Christians to wrestle with controversial and potentially divisive issues where issues of the authority and interpretation of scripture are at stake and to arrive at new policies which apparently conflict with previously received views and to do so without splitting the church. For Christians today to proceed in the same manner requires them to recognise, both in theory and practice, that the basis of unity is not adherence to the same opinions but relational. This is because of the relational, trinitarian, nature of the Godhead in whose image we are made and Jesus' High Priestly prayer for his disciples for a unity based on the relational unity of the Godhead. It is not possible to be trinitarian Christian, faithful to the scriptures, while simultaneously ignoring such factors. The trinitarian nature of God also indicates why the church must seek outcomes which are communitarian rather than either individualistic or sectional, on the one hand, or collectivist on the other. These considerations provide guidelines for dialogue, which needs to be approached both with frank recognition of strong convictions and openness towards people of different outlooks. The process of dialogue will thus foster and develop relationships and clarify the issues at stake. Disagreement and controversy within that context will be uncomfortable rather than divisive. Scripture will not be ignored lest it suggest unpalatable truths which it might be deemed expedient to ignore. Rather it will be examined, with the foregoing considerations in mind, by the Christian community in a frank but open dialogical manner as '"the book of the church", by the community of Christ . . . , gather[ed] around the text to hear the Spirit's voice speaking through it'.[53] Biblical precedent exists for radical change of mind and the reinterpretation of scriptures once thought

[52] ECUSA, paras. 2.10–2.11.

[53] Grenz and Franke, *Beyond Foundationalism*.

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to give definitive rulings on particular subject but the appropriateness of any analogies drawn require testing and problem scriptures require re-evaluation.

However, it needs to be recognised, first, that it would probably take a long time to secure general agreement on some divisive issues (assuming that any agreement could ever be reached); the living with the discomfort and questioning of previously held views is an important part of the process. Second, during that time, the church might well be perceived to be out of step with views generally held in society, though this may be the price to be paid of ensuring that the church is not simply conforming to the spirit of the age (cf. Rom. 12:2).

Whilst such an approach would doubtless frustrate people both within and outside the church, it affords the church the opportunity to demonstrate a quality of community and relationships which challenge the individualism (and sectional interest) of contemporary society, thus bearing witness to the possibility of a different kind of life in unity with the triune God and with others on the same journey, which challenges the individualistic pursuit of self offered by alternative lifestyles. Moreover, it gives Christians the opportunity to communicate the view that Christian ethics is not a series of pre-packaged solutions to difficult problems but a process of wrestling with the task of responding appropriately to the triune God who has revealed himself to us.

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