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and progressive church

# **Stepping Forward: An Appropriate Approach to Civil Partnerships**

Discussion and support  
of the Legal Questions Committee  
report to the 2006 General Assembly  
of the Church of Scotland

22 May 2006

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# The Purpose of this Booklet

This booklet has been prepared in advance of the 2006 General Assembly and, in particular, the report of the Legal Questions Committee with their proposed 'Declaratory Act anent Civil Partnerships'.

This Declaratory Act will allow ministers, should they wish (and only if they wish), to lead a service to mark a Civil Partnership without risk of discipline.

The reasons for producing this booklet are:

1. To present a clear and concise case to commissioners that the Scriptural passages often quoted in condemnation of homosexuality and homosexual acts are, in fact, ambiguous as to their meaning – unless one holds to a literalist reading of the Scripture. Moreover, the historical tradition of the universal Church from its earliest days has been to seek a consensus on interpretation of these ambiguities, guided and enlightened by the Holy Spirit.
2. To support and affirm the traditional position of the Church of Scotland which continues this practice. While the Church of Scotland recognises the Word of God contained in the Scriptures of the Old and New Testament as the supreme rule of faith and life, and the Westminster Confession of Faith as its subordinate standard, the Church has always maintained that Scripture is to be interpreted by the guidance of the Holy Spirit in the light of Jesus Christ who is himself the living Word of God.
3. To provide a balancing argument to that put forward by those seeking to curtail the freedom of ministers to carry out their ministry in accordance with their faith, beliefs and conscience.

This booklet has been supported by ministers and others within the Church (many of whom are listed at the end of this document) who see the openness of our Church as an important hallmark of the Church of Scotland, and who support the diversity of opinion that such openness fosters and encourages amongst clergy and laity.

*All Bible quotations taken from New International Version (NIV)  
unless otherwise stated.*

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# Introduction

While the Declaratory Act anent Civil Partnerships proposed by the Legal Questions Committee is the catalyst for this discussion, it is important to point out that there is a wider principle underlying this response. This principle is whether we, as followers of our Lord Jesus Christ, can, through prayer and the work of the Holy Spirit, travel different journeys of faith and belief, enjoying the fellowship of the Church, while still arriving at the same eternal destination.

While some will refer to the 'clear teaching of Scripture' in defence of their position, for many others there are certain passages in Scripture that are not so clear. The passages relating to homosexuality are some such passages, as are those relating to slavery and the role of women in the Church. It is quite possible to arrive at different interpretations of these passages while taking the Bible seriously, maintaining the Lordship of Christ and pursuing a deep commitment to follow him. In the case of slavery and the role of women within the Church, these arguments have, more or less, been settled within the Church of Scotland. Nonetheless, it is worth pointing out that the same appeal to the 'clear teaching of Scripture' was employed by supporters of both slavery and the subordination of women in the past.

There are, no doubt, many people within the Church of Scotland who are not sure of the exact passages, but have an underlying impression that the Scripture speaks out against homosexuality. These same people are also aware of the huge changes within society that have seen other forms of sexuality, whether homosexual or bisexual, increasingly accepted as normal. Indeed, with the greater openness within society, they may have direct contact with openly homosexual or bisexual family members, friends or colleagues.

We are all human, but research has shown that people's sexuality is not all the same. Some researchers have described sexuality as a continuum on which each individual is placed somewhere between 100% heterosexual and 100% homosexual. Indeed, at different stages of life an individual's position on that continuum can change.

The majority of people find themselves at the heterosexual end of the scale, but there are people across the whole scale, with significant minorities at the homosexual end or near the middle.

These studies of humanity show us that there is no such thing as a 'normal' sexuality. There is a majority sexuality, which is heterosexual, but to declare heterosexuality to be normal and homosexuality and bisexuality to be deviant

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is akin to saying that those who are left-handed are deviant, as they are in the minority.

Some would argue that the Church should always stand against cultural and social trends. However, ministry involves building relationships with people living through social changes. Grappling with the complexity of changing culture must force us back to the Scriptures prayerfully and diligently to interpret Scripture in the light of these changes.

It should be remembered that some of the most profound movements within the Church have come about by the prompting of the Holy Spirit in response to social changes. The Reformation would never have happened if our forebears had not grappled with these changes, taking advantage of the development of the printing press to distribute the Scriptures more widely, for example.

In the following sections this booklet will explore how it is possible both to take the Bible seriously and also recognise changes in our understanding of human sexuality. In doing so the intention is to uphold the divine attributes of love, constancy, grace and justice in our approach to Christians with other viewpoints and, indeed, to people whose sexuality differs from our own.

## Interpreting the Scripture

The purpose of this section is not to explain why someone cannot hold his or her own interpretation of a certain passage in Scripture. Instead it will simply show how a single passage of Scripture can have more than one interpretation.

Within the entire Old and New Testaments, comprising sixty-six books gathered and recorded over a vast stretch of time – well over a millennium – it is worth noting that there are no more than nine references to homosexuality. In this booklet four of the most commonly quoted passages will be addressed.

### *Leviticus Holiness Code*

Do not lie with a man as one lies with a woman; that is detestable.

*Leviticus 18: 22*

If a man lies with a man as one lies with a woman,  
both of them have done what is detestable.

They must be put to death; their blood will be on their own heads.

*Leviticus 20: 13*

The first two passages come from Leviticus and are a part of a large portion

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of writing called the Holiness Code. This Code was formed to challenge the exiled people of God during their time in Babylon to live according to God's laws rather than local practices and thus preserve their sense of identity. This was achieved by establishing the Sabbath day, keeping kosher dietary laws, emphasising the importance of circumcision, and through adherence to the Holiness Code. Each element helped to maintain the Jewish people's unique identity while they lived in exile in a foreign land.

Both the verses quoted are taken from a section of the Holiness Code relating mostly to ritual cleanliness. The word translated in the NIV as 'detestable' is usually associated with idolatry. In modern-day common usage 'detestable' is a way of describing disgust and disapproval, whereas in this Scriptural instance it may have more to do with the religious taboos of the time.

It is worth taking time to read the various other verses that are included in the Holiness Code and to reflect on why these two verses dealing with homosexuality have become such an issue when other admonishments are ignored. For instance, Leviticus 19:27 states 'Do not cut the hair at the sides of your head or clip off the edges of your beard' and 17:14b states 'You must not eat the blood of any creature because the life of every creature is its blood. Anyone who eats it must be cut off' (which is a shame for those who enjoy black pudding!) And from the list of sexual prohibitions, which includes the prohibition against homosexuality, Leviticus 18:19 states 'Do not approach a woman to have sexual relations during the uncleanness of her monthly period.'

Furthermore, to take the verses prohibiting homosexuality seriously and at face value, the 'clear teaching of Scripture' is that those who have committed homosexual acts should be put to death as described in 20:13. Despite that 'clarity', obviously no one would suggest that course of action today because it would be culturally unacceptable to do so. Tragically, this has not always been the case.

Everyone applies a filter to the many rules within the Holiness Code. The difference is that people apply the filter at different levels.

## *Sodom and Gomorrah*

Before they had gone to bed, all the men from every part of the city of Sodom—  
both young and old—surrounded the house.

They called to Lot, "Where are the men who came to you tonight?  
Bring them out to us so that we can have sex with them."

*Genesis 19: 4-5*

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The story of the destruction of Sodom and Gomorrah is, of course, where we get the word 'sodomite' which originally meant simply a resident of Sodom.

The encounter described in these two verses from Genesis comes a short time before the city is destroyed. The link is often made between God's destruction of Sodom and the 'homosexual' desires of the men of Sodom. The conclusion is then drawn that God condemns homosexuality and a loving same-sex partnership.

However, these two verses need to be read in the context of the epic story that covers two chapters of Genesis. In this story, Abraham meets God face to face, Sarah finds out to her astonished amusement that she is to have a child, Abraham bargains with God over how many righteous people will spare Sodom from destruction, and God has to send emissaries to find out what is happening in the city.

On arriving in Sodom as travellers, God's angelic emissaries are eventually taken in by Lot, Abraham's nephew, who saves them from the horror of a night on the streets as the 'sport' of the local men. The strong hospitality code of the region meant that these travellers were under the protection of Lot's household. That protection was soon tested as the Sodomites come to Lot's house demanding that the visitors be surrendered to them. It is important to note here that if this is a sexual demand it is about power (as all rape is) rather than sex.

Abiding by the hospitality code, Lot refuses. To try to appease the crowd, he offers two of his daughters to them. One must assume that Lot was offering up these girls to be gang-raped. The girls were their father's property and he could do with them as he pleased.

That does not satisfy the Sodomites and they force their way into Lot's home. At this point the angelic emissaries step in and blind the Sodomites. The angels offer freedom to Lot's family, the only righteous people in the town (yes, despite Lot offering his daughters up to be gang-raped). The family first head to Zoar but have second thoughts about entering a strange city and head off into the mountains. Lot's wife cannot resist a backwards glance and she is turned into a pillar of salt. Only Lot and his



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daughters escape.

It is quite a story, yet it doesn't end there. The two daughters realise they will never find men with whom to have children and so, having plied their father with drink, they get pregnant by him. Their incest resulted in the births of Moab and Ammon.

Within the framework of the whole story, what does one pick as the core theme? In today's Scotland is the point of this story really God's condemnation of a loving homosexual couple who are committed to each other?

If the NIV's translation 'that we may have sex with them', which is rendered 'that we may know them' in the Authorised Version, is taken as a correct translation, then is it not more about the horror, whether homosexual or heterosexual, of gang-rape?

It may be interesting for readers to know that there is debate about whether the connotation of 'we may know them' is sexual at all. Some contend that the sexual connotation is not warranted and that the great evil which God judges in Sodom lies in the disruption of the hospitality code: Lot being over-protective considering he was a resident alien (and could be bringing dangerous individuals into the city), and the Sodomites invading the privacy of another man's home.

### *Paul's Attitude towards Homosexuality*

Because of this, God gave them over to shameful lusts.

Even their women exchanged natural relations for unnatural ones.

In the same way the men also abandoned natural relations with women  
and were inflamed with lust for one another.

Men committed indecent acts with other men,  
and received in themselves the due penalty for their perversion.

*Romans 1: 26-27*

Having considered three Old Testament passages, we turn to the New Testament and to the passage most often used to condemn homosexuality. Paul is writing to Roman Christians about those involved in idolatrous pagan acts. Some Romans had become Christians and then returned to idolatry. The phrase translated as 'shameful lusts' in the NIV probably refers to the frenzied orgies of the day, sometimes associated with pagan fertility rites, and not to the kind of sexual relationship that exists between two committed people.

The most important word in this passage is 'exchanged'. The women and men

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were doing what was unnatural to them. These were heterosexual women and men who were engaging in homosexual acts. They were denying their natural desires, perhaps in the heat of the moment and swept along in a fevered mix of drink, drugs, peer pressure and pagan worship.

For Paul, the modern distinction between sexuality and sexual acts would not have been clear. Nonetheless it seems that Paul is not referring to people with a homosexual nature, but to those with a heterosexual nature committing homosexual acts. The question thus arises: What has this to do with a loving homosexual couple seeking a life-long commitment to each other?

## *Conclusions*

It is impossible in this short booklet to do full justice to the depth surrounding these passages, but by looking briefly at these four disputed passages, a sense of the variety of interpretation that is possible has been demonstrated.

It is possible for a person to read these verses as a condemnation of homosexuality. It is also clear, however, that one can take Scripture very seriously and come to the conclusion that these passages, while condemning pagan practices, rape, and homosexual acts committed by heterosexuals during pagan orgies, do not indicate God's condemnation of a committed homosexual relationship. It is human nature to desire absolute clarity. However, the fact remains that the teaching of Scripture on homosexuality is open to a variety of interpretations.

Individuals with an equal love for Jesus Christ and a commitment to seeking God's will may reach different conclusions on what the Bible teaches on a wide variety of issues – from the role of women in the church and family, to infant or believer baptism, to homosexuality. In all of these issues (as well as many others), individuals interpret the Bible differently.

The proposed Declaratory Act anent Civil Partnerships respects this variety of interpretation, and allows a minister to follow his or her conscience before the Lord in choosing either to bless Civil Partnerships or decline to do so.

## **Addressing the Fears**

There are a number of other issues that have been raised in relation to the proposed Declaratory Act anent Civil Partnerships. The first of these is that the Declaratory Act would enshrine in Church Law something that is 'clearly against the Word of God'. As has already been shown, that clarity is in the eye of the beholder.

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## *Church Unity*

The argument that adopting the proposed Declaratory Act would impair the unity of the Church of Scotland is a serious one. The Act itself does not split the church, however; it merely upholds the necessary freedom of a minister to act in accordance with their understanding of Scripture and the guidance of the Holy Spirit. Any disruption that might arise would result from a move to assert and make mandatory a particular understanding of the history, polity and tradition of the Church of Scotland, and of our relationship with the Bible.

To suggest, then, that a Declaratory Act that encompasses the breadth of different views self-evident within the Church of Scotland would cause disunity is disingenuous and a red herring in our debate.

## *The 'Gay Agenda'*

There appear to be fears that there is a 'gay agenda' which seeks to promote homosexuality within society. This fear is most clearly demonstrated in the concern that the traditional family will no longer be seen as the norm.

This fear is surely unwarranted. As was described earlier, the group of homosexuals within society is a minority and will always remain a minority. The traditional family will remain normative. Of much greater damage to the traditional family are increasing divorce rates and the lack of commitment that sees relationships as transient.

## *Confused Messages*

Would the adoption of the proposed Declaratory Act anent Civil Partnerships undermine the efforts of those homosexual Christians who intend to remain celibate? Some have suggested that the proposed Declaratory Act would enshrine acceptance of homosexuality in Church Law.

This is not the case, however. The proposed Declaratory Act simply acknowledges the freedom of pastoral conscience of ministers and others. Under this proposed Act a minister would be free either to conduct or decline to conduct a service of blessing, depending on his or her own conscience before God.

Therefore this proposed Declaratory Act should not impact on those Christians seeking to live a celibate life. Ministers and others would remain free to offer pastoral support appropriate to the needs and wishes of the individual. Moreover, the legality of their action would be clear.

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## *Space for Legitimate Debate*

Objections have been raised that meaningful discussion or debate about homosexuality can be shut down by the use of the label ‘homophobic’. This is indeed a concern. Such labels should be avoided and open and humble discussion between those with differing interpretations of Scripture on this issue should be encouraged. Indeed this is necessary.

This is precisely why we would urge wariness of the Counter Proposal ‘debaring ministers and deacons from conducting services to mark civil partnerships.’ Contrary to the stated aim of this counter-proposal, however well-meant, the effect will be to shut down all debate. We will have enshrined in Church Law a statement of a particular understanding of Scripture. This in itself is a significant departure from the practice and procedure of the Church of Scotland, which has for centuries been at the forefront of theological thinking and developments. Allowing ministers and deacons to follow their conscience, whether for or against conducting such services, while guaranteeing an ongoing theological discussion is much more in keeping with our tradition.

## **A Balanced Position**

The Declaratory Act anent Civil Partnerships proposed by the Legal Questions Committee is a balanced position to take on a subject that is bound to cause disagreement amongst both clergy and church members within the Church of Scotland. It both allows for the variety of opinion that currently exists and keeps the door open for future debate and discussion, while recognising the pastoral issues, positive and negative, that may result either from accepting a request to perform a blessing ceremony or not doing so.

The proposal does not ask anyone to do anything they would not personally be comfortable doing in a pastoral situation, and it upholds the responsibility of ministers to act according to both their conscience and the prompting of the Spirit with regard to performing their pastoral duties in a sensitive manner.

For these reasons, the proposed Declaratory Act anent Civil Partnerships offers an appropriate, sensible and balanced Step Forward by the Church of Scotland in response to the recent change in Civil Law and to the pastoral needs and gospel opportunities that may arise from this change.

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# Support and Thanks

The following signatories, supporting the proposed Declaratory Act anent Civil Partnerships, have at short notice graciously supported and offered advice for the publication of this booklet.

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*continued overleaf*

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