CHURCH SERVICES AFTER A CIVIL PARTNERSHIP

To help clergy and churches respond appropriately to requests for services of blessing after Civil Partnerships we reproduce here a copy of the advice prepared in 2008 for the Clergy of the London Diocese by Chancellor Nigel Seed

The House of Bishops’ Pastoral Statement on Civil Partnerships of July 2005 specifically precludes the clergy of the Church of England from conducting "services of blessing" for those who have entered into a civil partnership. It states unequivocally:

“Clergy of the Church of England should not provide services of blessing for those who register a civil partnership.”

However, it also accepts that members of the Church of England, including the clergy, are entitled to enter into such a partnership. It does not suggest, nor indeed could it, that being a party to a civil partnership is contrary to the doctrine of the Church of England. Indeed it enjoins appropriate pastoral provision if requested:

“Where clergy are approached by people asking for prayer in relation to entering into a civil partnership they should respond pastorally and sensitively in the light of the circumstances of each case.” (Paragraph 18)

Nothing in the House of Bishops’ statement precludes any church service, simply one of blessing. The service provided by the House of Bishops in 1985 for those who have undergone a civil marriage is not a "service of blessing" as was confirmed in the General Synod in 2005 by the Chairman of the House of Bishops:

Revd Michael Ainsworth (Manchester): Could the Bishop confirm that in fact in terms of services after civil marriage the Church of England properly refers to ‘services of dedication and thanksgiving (sic)’ rather than ‘services of blessing’.

The Bishop of Norwich: That is correct.

(Transcript of Proceedings of General Synod Wed 16th November 2005)

In fact the services provided by the House of Bishops in 1985 for use after a civil marriage are described as: “Services of Prayer and Dedication after Civil Marriage”.

The relevant canon law for church services is Canon B5 which provides:

"Of the discretion of ministers in conduct of public prayer

1. The minister who is to conduct the service may in his discretion make and use variations which are not of substantial importance in any form of service authorized by Canon B 1 according to particular circumstances.

2. The minister having the cure of souls may on occasions for which no provision is made in The Book of Common Prayer or by the General Synod under Canon B 2 or by the Convocations, archbishops, or Ordinary under Canon B 4 use forms of service considered suitable by him for those occasions and may permit another minister to use the said forms of service.

3. All variations in forms of service and all forms of service used under
this Canon shall be reverent and seemly and shall be neither contrary to, nor indicative of any departure from, the doctrine of the Church of England in any essential matter.

4. If any question is raised concerning the observance of the provisions of this Canon it may be referred to the bishop in order that he may give such pastoral guidance, advice or directions as he may think fit, but such reference shall be without prejudice to the matter in question being made the subject matter of proceedings under the Ecclesiastical Jurisdiction Measure 1963.

5. In this Canon the expression ‘form of service’ has the same meaning as in Canon B 1.

Now, no provision for a service after a civil marriage has been made by the General Synod, the Convocations, archbishops or, so far as I am aware, any diocesan bishop. Equally there has been no prohibition by any of the above of such services, other than the prohibition of “services of blessing” by the House of Bishops referred to above. The House of Bishops of itself cannot make canon law, but its guidelines, until overruled, might be regarded as indicative of the doctrine of the Church of England and a code of conduct for the clergy. But whether or not that is the case, there is in any event no prohibition on a service in such circumstances which is not a service of blessing, providing that “it is reverent and seemly and is neither contrary to, nor indicative of any departure from the doctrine of the Church of England in any essential matter”.

Statutory civil partnerships are not “marriages”; that was made clear in parliament by ministers at the time the legislation was debated. This law merely provides financial benefits and entitlements to the parties who undergo a civil partnership registration. It is silent on the subject of physical/sexual activity, unlike the law of marriage, which provides for annulment for a failure to consummate, thus providing an underlying assumption that there will be sexual activity within marriage. Marriage services provided by the Church of England also refer to, or presume, procreation. Whilst engagement in sexual activity may be in the mind of those entering into a civil partnership, and is certainly in the mind of their detractors and the media, it is not in the law. So the entering into a civil partnership of itself cannot represent a departure from the doctrine of the Church of England – in so far as engagement in homosexual activity can be said to be contrary to the doctrine of the Church of England; but that is not relevant to the strict issue in hand.

So far as a service which is not a service of blessing is concerned, useful guidance might be found in the Services of Prayer and Dedication provided by the House of Bishops in 1985, when the blessing of a second marriage with the other spouse still alive would have been a departure from the doctrine of the Church of England. Not all of that material would of course be appropriate, but, interestingly for a service that is not “a Service of Blessing”, it does include a blessing of the two individuals, but not of their union.

Thus the position is clear. Unless and until one of the relevant authorities listed in canon B5.2 provides a form service under canon B2, beneficed clergy (or other clergy authorised by them) may use a form of service they consider suitable in respect of a civil partnership providing that service does not amount to a “service of blessing” and is reverent and seemly and is not contrary to, nor indicative of any departure from, the doctrine of the Church of England in any essential matter.

The Worshipful Nigel Seed Q.C.

Chancellor and Vicar-General of the Diocese of London.