

Faith and Marriage: A Church of Ireland Call for Equality for Same-Sex Couples

Changing Attitude Ireland Submission to the Irish Constitutional Convention

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Changing Attitude Ireland welcomes the opportunity to make a submission to the Constitutional Convention on the subject of extending civil marriage to same sex couples. We would like to thank the Constitutional Convention for taking the time to consider this matter seriously, itself a significant contribution to the developing acceptance of same-sex relationships as positive and valued parts of Irish society.

EXECUTIVE SUMMARY

- CAI strongly supports the extension of civil marriage to same-sex couples.
- The existing inequalities between civil partnership and civil marriage have a real-world detrimental impact on the lives of same-sex couples, and even more on children being raised by them.
- Allowing churches and other faith groups to 'opt in' to registering same-sex marriages, while protecting them from any attempt at compulsion, is the best way to respect the religious freedoms of both those who support and those who oppose same-sex marriage. This is particularly important in the Irish context, where there is a history of civil marriage law being used to discriminate against religious minorities.
- Like many other Christian bodies, CAI supports marriage equality not despite its faith background, but because of it, believing marriage and stable relationships to be one of the bedrocks of society.
- Although there is significant faith opposition to marriage equality, this must be understood in the light of the long Christian history of opposition to equality under the law and outright homophobia.

1. About Changing Attitude Ireland

Changing Attitude Ireland (CAI) was formed in 2007 to work for the full affirmation of lesbian, gay, bisexual and transgender (LGBT) people within the Churches in Ireland. It is a Church of Ireland organisation with ecumenical friends, involving people who are heterosexual, gay, lesbian and bisexual, lay and ordained. It is dedicated to celebrating and maintaining the traditional inclusivity and diversity of the Anglican Communion.

CAI has produced a range of educational and pastoral publications on the issue of homosexuality in a Christian context. These include the 2012 anthology *Moving Forward Together: Homosexuality and the Church of Ireland*¹, perhaps the most extensive document on this subject ever produced in Ireland. It has also published a collection of stories of gay and lesbian Christians in Ireland² and Christian pastoral guidance for parents of LGBT children³.

¹ Canon Ginie Kennerley and Richard O'Leary (eds.), *Moving Forward Together: Homosexuality and the Church of Ireland*, Belfast: Changing Attitude Ireland, 2012

² Rev. Mervyn Kingston (ed.), *Share your Story: Gay and Lesbian experiences of Church* Belfast: Changing Attitude Ireland and Church of Ireland Chaplaincy at TCD, 2010, 2012 (2nd edition)

³ Gerry Lynch, *I think my son or daughter is gay: Guidance for parents of gay children in the Church of Ireland*, Belfast: Changing Attitude Ireland, 2011, 2013(2nd edition).

2. The Importance of Marriage

Marriage is one of the foundation stones of our society, encouraging selflessness, sacrifice, commitment, stability and community. Marriage is undergirded by the willingness of each spouse to sacrifice his or her own individual interests for the common good of the marriage, for any children being brought up in it, and for any other dependents reliant on it. Marriage is an essential part of the social glue which enables us to live together as one society, not just a random collection of individuals.

As a Christian organisation, we see the values lived out by Jesus reflected in the values which couples aspire to live in marriage. As such, a good marriage, regardless of the faith or gender of the spouses, reflects key Christian values, not least a willingness to 'love our neighbours as ourselves'.

We believe that civil marriage being available to couples who, irrespective of their gender, wish faithfully to commit themselves to each other for life would also support sexual desire to be rightly located in a loving, stable, relationship.

3. Why civil partnerships are not enough

Since the introduction of civil partnerships they are increasingly referred to as marriage in common speech and writing. As the old saying goes, if it looks like a duck and quacks like a duck... Most people can't tell what the difference between being married and being in a civil partnership is – the love and commitment in each are the same.

Yet civil partners are denied a range of legal benefits available to married couples. In particular, civil partners bringing up children are faced with a number of obstacles which actively undermine stable family life. Civil partners in Irish law are not even recognised as sharing 'a family home'.

Furthermore, for Christians, as for most others, marriage is about more than a specific bundle of legal rights. Marriage is one of the foundation stones of our society, encouraging commitment, stability and self-sacrifice, and need not be the preserve of heterosexuals.

Equality should be not be ambiguous. Rosa Parks, the Black civil rights heroine, wasn't satisfied by being told that she must settle for simply being on the bus but could only sit at the back of the bus, not the front. Similarly, same sex couples should not have to settle for a cold and legally defined contract, civil partnership weaker than marriage, while the full equality of civil marriage, with its rights and responsibilities, is denied to them.

Same-sex relationships are now a visible reality in our society. In contrast to the silence that surrounded the subject of homosexuality a generation ago, there are now few people in Ireland who don't know at least one LGB family member, workmate, fellow student, teammate or regular at the pub. As same-sex relationships have become more visible, the majority of the population have come to value the contribution they make to the good of our society, encouraging those within them to faithfulness and mutual support, and helping create a more cohesive Ireland.

4. Children being raised by same-sex couples need the protection of marriage

Among the 160 statutory differences between civil marriage and civil partnership, 25 relate to parent and child relationships, while another important subset also affects children in that the homes of couples living in civil partnerships are not defined as family homes.

Provision for dependent children of couples in civil partnerships is specifically absent from the Shared Home Protection Act. Aside from the biological parent, civil partners raising children together can neither adopt together nor become the legal guardian of the children. A maintenance order cannot be made against a civil partner for the support of a dependent child. There is no requirement for courts to ensure that dependent children are properly provided for during the dissolution of a civil partnership.

As the Ombudsman for Children reported in 2010, the reality is that children are already being raised jointly by couples in civil partnerships. The failure to ensure their welfare is adequately safeguarded is perhaps the most serious flaw in civil partnership legislation, and represents a real failure by the state to care for these children's wellbeing. The best way to correct these anomalies is to extend civil marriage to same-sex couples.

5. Protecting minority faith groups

Historically in Ireland, laws on marriage have often been a cause for grave concern to religious minorities and more recently to those of no religious affiliation. We must not repeat these past injustices. The root of this problem is that in Ireland, politically or numerically dominant religious groups have tried to impose on everyone else, though the civil law, their particular understanding of marriage.

For example, up to the mid nineteenth century, when the Church of Ireland was politically dominant, it imposed its view of marriage on those of other denominations in an exclusivist way. Thus only marriages conducted by clergy of the Church of Ireland were legally valid, with those of both Roman Catholics and other Protestant denominations treated by the state as non-marriages. In the twentieth century when the Roman Catholic Church was politically and numerically dominant in the Republic of Ireland it used its canon law, especially the *Ne Temere* decree, and influence to discriminate against mixed Catholic-Protestant marriages and non-religious marriages.

Prior to Irish independence there was a right to civil divorce and remarriage. The abolition in 1925 by the Catholic dominated Irish government of the right to divorce and remarriage caused grave concern to the Church of Ireland community in particular, crystallising the fears of the Protestant minority that the new State would be a Roman Catholic one for Roman Catholics only, and was doubtless a contributory factor to the differential emigration of Protestants which characterised the early decades of the State's existence. Divorce and remarriage remained illegal in the Republic until 1996, causing both emotional distress and practical legal problems in terms of living together as a family to thousands of Irish couples.

In the Ireland of 2013, increasingly multi-faith and increasingly comfortable with its own diversity, our laws around the family must be based on what is good for society as a whole, rather than the precepts of any one faith of group of faiths.

6. Religious Freedom means Churches must be able to 'opt in'

At the time of the introduction of civil partnerships, all religious bodies were prohibited from registering them, despite the desire of some Churches and other faith groups to celebrate their members' love and commitment to one another by registering their civil partnership in the context of a religious service. In effect, the religious freedom of smaller religious bodies to determine their own views on the validity of blessing same-sex relationships was voided to appease the largest Christian churches.

This should not be repeated in any introduction of marriage equality. Churches and other religious bodies who are permitted to register heterosexual civil marriages must be absolutely free to decide whether or not to extend that permission to same-sex couples.

We recognise that many religious bodies will not wish to register same-sex marriage at this time, although we note that many of these may well change their approach in the near future. There is absolutely no suggestion in Ireland, from any quarter, that they should be compelled to do so. The right of religious bodies to refuse to solemnise same-sex marriages is absolutely agreed upon by all. This is the obvious compromise to balance two competing sets of “rights”.

There has been no move to compel religious bodies to solemnise same sex marriages in any of the 14 countries where there is already some provision for them in civil law, and these include 6 other European Union member states. Nor, for example, has the Roman Catholic Church been compelled to remarry divorcees in Ireland despite the fact that civil remarriage has been available for 17 years. Nor, in Ireland or elsewhere, has any serious attempt ever been made to do so.

Worries that schoolteachers in religious-managed schools would have to instruct children in a meaning of marriage that teachers could not conscientiously bring themselves to impart are also exaggerated. For two decades in Ireland the teaching profession has never had any problems teaching that marriages may not in practice be permanent but may end in divorce and remarriage.

7. The definition of marriage is constantly evolving

Those opposed to civil marriage equality often express the view that marriage has been an eternally unchanging institution, and would be threatened by any developments. They speak as if there were a fixed form of this institution from the dawn of time that has been changeless until now.

Viewers of Downton Abbey will have noticed how much marriage has changed in the last century, and probably think it has changed largely for the better! History records that some Christians argued that the basis of society and the wellbeing of children would be threatened if married women could own property, if they could have their own bank account, if they could divorce an abusive husband, or if wives were not contracted before God to obey their husbands.

For example, until 1976 a husband had the right to sell the family home without even discussing the matter with his wife. Until 1985, a woman was deemed legally to have the same ‘domicile’ as her husband, causing enormous practical distress to women whose husbands had abandoned them and moved abroad. Most shockingly, only in 1990 did it become a crime for a man to force sexual intercourse on his wife.

In a specifically Anglican context, the Church of Ireland teaches that marriage is in its purpose a union permanent and life-long, for better or worse, till death do them part. While permanence is still the ideal, the Church of Ireland supports, indeed campaigned for, the availability to heterosexuals of civil divorce.

The Church of Ireland’s marriage services hold that the foremost sacred ingredient of marriage is the “comfort and help” each spouse has for the other, “living faithfully together

in plenty and in need”, whereas previous Church of Ireland liturgies had stated the main purpose of marriage to be procreation. Similarly, until recent decades, a wife had to promise to ‘obey’ her husband in the Church of Ireland’s marriage service – few regret that this has been confined to history, although this was undoubtedly a radical change in the understanding of marriage.

We are particularly puzzled to hear many Christians argue that the definition of marriage has been a given since the days of Adam and Eve, and claim The Bible provides grounds for doing so. The Old Testament’s great heroes from Abraham, Isaac and Jacob to David and Solomon are all recorded as polygamists. Indeed Solomon is recorded as having 700 wives and 300 concubines!

Although monogamy has come to be a core Christian principle in Western cultures, one we support as absolutely foundational, there is no trace of monogamy being the norm in Scripture apart a single suggestion in one of the later of St. Paul’s letters that bishops should have only one wife. Outside the West, polygamy remains a part of life in some Christian contexts – as a result, the Anglican Communion’s main global gathering of Bishops, the ten-yearly Lambeth Conference, in both 1988 and 2008 specifically set out the circumstances in which polygamy was acceptable for Anglicans, a particular issue in parts of East Africa.

8. Isn’t Christianity opposed to equal marriage?

While most of the larger Christian denominations in Ireland are formally opposed to civil marriage equality, many of their members are not. Some of the strongest voices in Ireland in favour of marriage equality come from practising Christians, for example former President Mary McAleese and Senator David Norris.

The largest faith bodies in Ireland, notably the Roman Catholic Church, tend to dominate the public policy debate on marriage equality, the position of smaller churches and minority faith groups have to be taken into consideration. Some smaller churches (Unitarians) and other faith groups (some Quakers, liberal Jews and Buddhists) have taken a considerably more positive attitude to celebrating faithful same-sex relationships. We are aware of representatives and/or members of these groups who are in favour of the extension of civil marriage to same sex couples.

Internationally, a number of Christian denominations support equal marriage, notably the Episcopal Church in the USA, a sister Anglican denomination of the Church of Ireland. The Church of Ireland also has strong links, including full recognition of one another’s clergy, with the Lutheran Churches in Sweden, Denmark, Norway and Iceland, all of which solemnise same-sex marriages. In Great Britain, the Unitarian Church, the Quakers and the liberal Jewish faith council have all strongly argued in favour of extending civil marriage to same sex couples.

The Church of Ireland has not yet made a definitive statement on the matter of changing the law in the Republic of Ireland to allow same sex civil marriage. It should be noted that there is a full spectrum of opinion on same sex relationships within the Church of Ireland. For example, the Bishops of Cork and Cashel & Ossory, along with two fifths of the clergy present, voted against a homonegative motion at the Church of Ireland’s 2012 General Synod. Given that the composition of the General Synod is heavily male and elderly, compared to the Church of Ireland membership as a whole, the General Synod is arguably more conservative than the wider Church.

The argument against homosexuality from Scripture depends on just half a dozen isolated verses out of over 30,000. These exist in only two types of Biblical literature, the early Hebrew purity code, which also dismisses eating shellfish as an abomination, and a few lines in St. Paul's letters where the subject of homosexuality is addressed only in passing. This tiny selection of verses contains obscure Greek and Hebrew terms which are interpreted by many scholars in a more humane way.⁴

In any case, the Christian Churches have no monopoly on the concept of marriage. Marriage is common to all human cultures, and exists in the context not only of the Christian faith, but all major world religions as well the traditional religions of Africa, the Americas and the Pacific. Both within and between and within these traditions, there are considerable differences in how marriage is understood, and in who may contract a marriage. This includes, in some traditional religious cultures of the Americas and the Pacific, a long tradition of marriage being permissible between people of the same gender.

Marriage also exists outside any religious context, and the Irish State has, since independence, always made provision for those who wish to have a civil marriage in an entirely secular context. The number of purely civil marriages in Ireland has grown strongly over the past two decades or so.

9. Churches have always led the charge against the acceptance of lesbian and gay people in Ireland

"I love being a Christian and I love being a lesbian". This is the title of the address given by Ms Dolores Mannion, a Christian and partnered lesbian, at St Fin Barre's Cathedral, Cork on International Day Against Homophobia, 17th May 2009.⁵ Sadly many people would argue that this statement is a contradiction in terms. Irish Christianity has long been marked by a particular hostility to lesbian and gay people and their relationships.

Often it has been those of no faith or Christians acting in opposition to the official policy of their own denominations, indeed often derided and dismissed by Church hierarchies, who have led the journey from hostility to respect for LGB people. As the Church of Ireland Bishops themselves noted:

".....a wholesome engagement with, and open discussion of, the issues surrounding homosexuality has for too long been side-stepped by the Churches. It is a basic assertion of the Christian faith that God has created all that is, and that in Jesus Christ he has entered fully into, and redeemed, a broken world. Despite that affirmation, it has often been people of no particular religious affiliation, or religious people unsupported or opposed by their own institutions, who have been to the fore in engaging with the issues in a way that should have been dealt with by the Churches." (*A Pastoral Letter from the Bishops of the Church of Ireland, September 2003*)

As recently as the early 1980s at the time of the decriminalisation of homosexuality in Northern, a majority of Irish Churches supported continued criminalisation. By the time the same debate took place in the Republic in the early 1990s, there was little or no religious opposition. Religious attitudes have been moving rapidly on the subject of homosexuality in

⁴ The Very Rev'd Sandra Pragnell, *'Those texts' the sanctity of life and human sexuality*, Search: A Church of Ireland Theological Journal, Volume 36 No. 1, Spring 2013.

⁵ For the full text of the address see Rev. Mervyn Kingston (ed.), *Share your Story: Gay and Lesbian experiences of Church*, Belfast: Changing Attitude Ireland and Church of Ireland Chaplaincy at TCD, 2010, 2012 (2nd edition)

recent decades, although they have tended to be at all times somewhat more homophobic than those across society as a whole. The opposition of the largest Christian Churches to marriage equality must be understood in that context.

Evidence gathered by Changing Attitude Ireland shows that churches remain deeply complicit in poor treatment of lesbian, gay, bisexual and transgender people at present. While accounts like that of ‘Mary and Jane’ show the continuance of homophobia among some congregations, other stories like that of ‘Henry and Charles’ show how other Church of Ireland congregations are embracing fully their same sex couple members⁶. Sadly, at a leadership level, there has been an unwillingness by Churches to challenge the worst practice of parish or congregational level, or to examine attitudes and doctrines that are profoundly damaging to the wellbeing of young LGBT people.

Last year, former President McAleese highlighted the psychological damage caused to young gay men by official Roman Catholic teaching on homosexuality, an issue she explicitly linked to the high rate of suicide among gay teens and young adults.⁷

Too many young gay people take their lives because they have been taught that their sexuality is disgusting and shameful. Apart from removing the discrimination in law faced by couples in civil partnerships, the key benefit of introducing marriage equality is the message it sends to young people in this position – that there is nothing wrong with being attracted to people of the same gender, and the Irish nation values and celebrates the contribution that same-sex relationships and the people in them make to making our society a better place for all.

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⁶ For full accounts see relevant chapters in G. Kennerley and R. O’Leary (eds.), *Moving Forward Together: Homosexuality and the Church of Ireland*, 2012

⁷ In an interview with RTÉ radio on 9th October 2012, President McAleese said of young gay men: “*They will have heard words like disorder, they may even have heard the word evil used in relation to homosexual practice ... And when they make the discovery, and it is a discovery and not a decision, when they make the discovery that they are gay, when they are 14, 15, or 16, an internal conflict of absolutely appalling proportions opens up.*”

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