

“Another Fine Mess”?: A Guide to Where We Are With LLF Pre-General Synod, Andrew Goddard, October 2023.

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Last Friday (October 20th), [papers were released](#) for the extra General Synod called for November 13th to 15th. This will be focussed on Living in Love and Faith (LLF) and within that the proposed Prayers of Love and Faith (PLF). The Synod papers provide much more detail than the brief [press release](#) issued after the House of Bishops met on October 9th (about which I offered [some instant reflections](#) that remain, I believe, accurate). What follows offers a detailed guide in the form of answers to 12 key questions. A shorter summary of the answers can be found [here](#).

1. Where do I find the key information?

There are four main papers relevant to LLF:

- [GS 2328](#) (108 pages, a helpful 4pp overview and 9 annexes) is the most important paper. Page references below are to pages in this document (PDF page numbers, the document itself has inconsistent pagination as it merges multiple documents). Annexes A (“A Basis for Moving Forward”, 6pp) and H (Theological Rationale, 22pp) offer crucial new material with the fullest explanations thus far for the proposals. Other new material is found in Annex E (25pp) offering partial draft pastoral guidance relating to PLF, Annex F (12pp) reporting on pastoral reassurance, and Annex G (4pp) setting out future implementation plans. Annexes B-D (2pp, 16pp, 16pp) reissue the PLF texts in a new format with explanations as to how they will be introduced and Annex I prints the February motion. Under [Standing Order 25](#) concerning “reconsideration”, that motion limits what can be proposed to this Synod (including in any amendments). This is because paragraph (1)(b) provides that it is not in order to propose “a course of action contrary to or substantially inconsistent with a decision made by the Synod within the preceding 11 months” (so including the February motion).
- [GS 2322](#) (Agenda, see also [GS 2323](#) offering a guide to the agenda from the Business Committee) includes the proposed motion for Tuesday afternoon (with debate continuing on Wednesday) where the Bishop of London will move

That this Synod, conscious that the Church is not of one mind on the issues raised by Living in Love and Faith, that we are in a period of uncertainty, and that many in the Church on all sides feel pain at this time, recognise the progress made by the House of Bishops towards implementing the motion on Living in Love and Faith passed by this Synod in February 2023, as reported in GS 2328, and encourage the House to continue its work of implementation.

- [GS Misc 1353](#) (Summary of decisions by the House of Bishops and by its delegated committees) reports very briefly on the key October 9th meeting of the House on LLF.
- [GS Misc 1359](#) presents “The Recent Evolution of the Church of England’s Liturgical Procedures and Canons (B1 to B5A)” from the Liturgical Commission, written by Andrew Atherstone. This contains very helpful details about the history and law of introducing liturgy within the CofE in the last half-century.

2. What is the basis and theological rationale for the proposed prayers?

A totally new explanation and framing of the proposals is now being offered in terms of “pastoral provision”, in and for “a time of uncertainty”, that “respects the Church of England’s unchanged doctrine of marriage”. This is summarised in paras 6 and 7 of the introductory paper (p.2) and paras 14 and 15 of Annex A (pp.7-8). It is articulated more fully in Annex H (pp.86-107) which is presented as “A theological and pastoral introduction to the PLF and accompanying pastoral guidance”.

This appears to be a very similar rationale to that proposed in January 2107 in [GS 2055](#) (and rejected by clergy in Synod leading to LLF). It also reintroduces the language of “pastoral accommodation” (which was prominent in and after the Pilling Report but has vanished until now in all the PLF materials). There are, however, significant changes in what is now being offered on the basis of this rationale compared to 2017, most obviously the provision of prayers. GS 2055 spoke of “a provisional approach...proposing no change to ecclesiastical law or to the Church of England’s existing doctrinal position on marriage and sexual relationships” (para 26) while “enabling a generous freedom for pastoral practice” (para 65) by “interpreting the existing law and guidance to permit maximum freedom within it, without changes to the law, or the doctrine of the Church” (para 22).

It remains unclear

- when this new rationale was developed and by whom
- when the theological paper (Annex H) was written and who wrote it and provided the input (“a small group of readers from different theological traditions”). The fact that it was only “shared with the House and College of Bishops ahead of the meeting of the House of Bishops on 9 October 2023” (para 1, p.86) suggests it was not widely circulated until after the College met on 20th-21st September.
- whether and how this rationale was agreed by the bishops on 9th October as the approved rationale
- how this paper relates to the work of the Faith and Order Advisory Commission (FAOC) which was announced in July ([GS 2303](#), para 5) but is not mentioned in the papers for November
- exactly what is and is not meant by “pastoral provision” (and also “time of uncertainty” that is so crucial to the argument) and in what ways these categories might prove to provide a helpful and adequate new rationale for addressing at least some LLF-related matters.

It is claimed that the paper is “articulating the theological rationale that supported the approach taken following the February motion” (Introductory paper para 5, p.1) but the rationale has never been expressed like this before. It was not explicitly the rationale in any of the work of the Implementation Groups before they were disbanded in June. It certainly merits longer and more detailed scrutiny than will be possible before Synod. This is especially so as it challenges the major existing theological rationales both for and against the prayers and effectively uses the approach of GS 2055 (“an argument...based on the trajectory of pastoral provision already existing in our church and tradition, which does not

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change doctrine in any essential matter but changes our practical pastoral response and the way we relate within the Church”, Annex H, para 5, p.86) to defend actions GS 2055 was unwilling to recommend. It acknowledges that “for some, pastoral provision for the PLF represents far too little and may be considered deeply disappointing and hurtful” while “others may dispute the claim that appropriate provision does not represent a change in doctrine if it is enshrined in commended or authorised prayers for public worship, rather than an ad hoc, private response”. The problem is that while “these questions are referred to in the text itself” (Para 6, p.86) they are not really engaged with in any depth and so critics from different perspectives are left unanswered.

3. Does the reaffirmed doctrine of marriage include teaching about sex being for marriage?

This question has been one of the most controversial matters left unclear in previous statements from the bishops. The new documentation appears, however, very clear on reaffirming this in a number of places including:

- “The Church’s doctrine remains as set out in Canon B30 (Of Holy Matrimony); we have been clear that we have no intention of changing that doctrine. We also note that the Church’s teaching on sexual relations has been treated as being part of the Church’s doctrine of marriage. We are not proposing to change that teaching” (Annex A, para 13, p.7).
- “We have had careful regard to the theological rationale for the making of pastoral provision” which includes “that the Church’s teaching on sexual activity is regarded as part of that doctrine [of marriage]” (Annex A, para 22, p.9).
- “It is within marriage that sexual intimacy finds its proper place” (Introduction to LLF Pastoral Guidance, Annex E, p.47).
- “The *Book of Common Prayer* attests to Holy Matrimony within the context of this divine economy...It...teaches that this way of life is the proper context for sexual intercourse” (Annex H, p.91, marriage as “remedy against sin” is cited).
- “The doctrine of marriage in relation to marriage as the fullest and given place for sexual expression is clear” (Annex H, p.94).

However, this final quotation continues, “but...its boundaries may be more porous than is sometimes allowed, and can flex to accommodate pastoral realities” and the author then describes the “traditional teaching” reaffirmed in past documents more broadly as being (in words [similar to those used recently by the Archbishop of Canterbury](#)) “that sex properly belongs within lifelong, faithful, exclusive and socially and legally recognised relationships”. It is then claimed that “current proposals for pastoral provision do not change this formulation of the ideal” (Annex H, p.94).

As reported to Synod in July, the Implementation Group working on the Pastoral Guidance raised a number of questions including “what view the bishops would now take on sexual intimacy for couples who have entered into civil same-sex marriages” ([GS 2303](#), para 17). It would appear that the bishops have now decided to maintain current teaching.

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The rationale also states that “those with responsibility for teaching the faith should continue to articulate the Church’s doctrine” (p.91) but both Archbishops and other bishops have publicly contradicted this teaching in defending PLF. It is those actions, which the statement above from the paper effectively rejects, which have made what was always going to be a challenging stage of the journey into one in which it has become almost impossible for some to walk closely together with integrity with some of their episcopal leaders.

4. What about the claimed distinction between civil marriage and holy matrimony?

The previous explanation and rationale for the prayers had as a central element a novel distinction which was being drawn between civil marriage and holy matrimony (for example in the February paper to Synod, [GS 2289](#), p.7 and [GS Misc 1339](#), paras 5-8). This has been widely critiqued in terms of [theology](#) and [law](#). Although not drawn attention to explicitly within the documentation, what is noteworthy is the total absence of this argument in the new papers for Synod. It would appear that this rationale is now being downplayed or perhaps has even been abandoned. This is perhaps because this original legal and theological foundation and rationale of the PLF proposal is now considered too weak to build upon. It would be good if Synod could be informed if this is indeed the explanation and lessons learned about rapidly constructing something on novel and contested foundations.

The papers are, however, at pains to downplay the significance of civil marriage within PLF. The first of the points that are seen as significant “in the light of the legal and theological advice we have received” (neither of which crucial pieces of advice are apparently being given to Synod as the theological advice in Annex H does not address this question) is that

The PLF Resource Section does not treat those couples who have entered a same-sex civil marriage any differently from the way they treat a same-sex couple who are in a civil partnership or who have not acquired any formal civil status for their relationship. The use of the PLF Resource Section for a couple who have entered into a civil same-sex marriage does not therefore imply that their civil status is something that the Church considers distinguishes the couple from other same-sex couples who wish to dedicate their life together to God. The materials contained in the PLF Resource Section are not a celebration of a couple’s civil same-sex marriage. They are for praying with and for two people who love one another and who wish to give thanks for and mark that love in faith before God (Annex A, para 11, p.7).

This raises questions about using the PLF in close proximity to a civil marriage and it is unclear how the PLF materials being “not a celebration of a couple’s civil same-sex marriage” relates to the Guidance talking of couples using PLF “to mark a significant stage in their relationship” (Annex E, 1.2.9, p. 57). This paragraph seems, in dismissing the importance of entering a civil same-sex marriage, likely to offend almost everyone. Those in civil same-sex marriages and their supporters will believe that this public act of mutual commitment is not just legally and socially but morally, theologically, and existentially significant. Those who oppose entering a civil marriage do so in part because such an action does distinguish a relationship from other relationships by making a claim to marital status (which was why entering a same-sex marriage was previously stated to be against the

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teaching of the church).

It still therefore remains unclear *how* the bishops are viewing a decision to enter a civil same-sex marriage and *what moral assessment* they are offering of such a decision in the light of the church’s doctrine of marriage. *Either* they have yet to reach a decision on these matters *or* they have done so but have not announced their decision *or* they have concluded they do not need to make a decision (perhaps because of their new and different legal and theological rationales for PLF).

5. How are the prayers now being categorised and who are they for?

The PLF have now been separated out into a three-fold structure in which distinctions are drawn between various elements of the previously single united category of PLF:

1. **Covenanted Friendships.** These remain surprisingly poorly defined (although more details than previously appear in Annex B at p.12 and the Pastoral Guidance 1.2.6-8, pp.56-7) given they are a new distinct form of life which includes strong vows (“I offer myself to you in love and friendship...where you go, I shall go”). These can apparently be made by someone to a person other than their spouse, whether of the same sex or opposite sex, with no requirement that the spouse consent to this. They are said to be “non-sexual” and “by definition not sexually intimate” (Annex B, p.12) and “by their nature...different from those celebrated in the rest of the Prayers” (Introductory Paper, para 9, p.2; Annex F, 7f, p.73) meaning “these prayers are not linked to questions of sexuality in any way” (Annex A, para 2, p.5).
2. **PLF Resource Section.** This contains all the remaining substantive material previously proposed within a “suite of prayers, blessings and readings that are intended to be used for same-sex couples” (Annex A, para 3, p.5). The suite is set out in Annex C (pp. 13-28) and discussed in Annex A (paras 3-26, pp.5-9).

Originally in February it was stated that these resources were “to celebrate committed relationships between two people”, giving “thanks and praise to God for the gift of two people who love one [an]other” ([GS 2289](#), p.6). Asked to confirm “that these prayers can also be used for a newly cohabiting, but unmarried, heterosexual couple, to mark both their commitment to one another and a significant stage in the development of their relationship”, the Bishop of London did not rule this out in her response ([LLF Questions](#), Q164, Feb General Synod, p.10). Now, however, it is in contrast being claimed that “The PLF *were designed specifically* for same-sex couples, for whom no other provision is currently made.” (italics added, Annex E, LLF Pastoral Guidance, 1.1.15 p.54 and similarly on p.47). This appears to be a significant rewriting of their history.

It is also being stressed that the prayers are able to be used for same-sex couples who have no legal status whereas at one stage in the process a legal status was going to be required. As noted above, a couple in a civil marriage are not treated any differently in the prayers from those “who have not acquired any formal civil status for their relationship” (Annex A, para 11, p.7). However, it is also stated that “Ministers should be satisfied that the couple’s relationship is permanent, faithful, stable and exclusive”

(Annex E, 1.1.13, p.54, see also 1.2.4, p.56). While PLF “make no assumptions with regard to sexual intimacy” and ministers are cautioned against questions concentrating on this aspect (1.2.3, p.55), the fact these may be sexual relationships is one of the most obvious contrasts with the now more sharply distinguished category of covenanted friendships. This is what makes them the most controversial of these three elements of PLF.

There are clear statements that the prayers “are not a form of marriage service, nor do they equate the relationships brought before God to Holy Matrimony”. They instead “recognise all that is good, and holy, and faithful in these relationships and enable the people in these relationships to place themselves before God and ask for God’s blessing for their journey of love and faith” (p.13 and p.47). They include prayers for God’s blessing (pp.18-19) but not prayers over rings (now only in the Outline Services having been moved out of the February draft of the prayers to the notes for service outlines in July).

3. **PLF Outline Services (“standalone” services).** These are set out in Annex D and are merely outline forms of service that simply add “The Dedication” and “Acclamation” before “Prayers of Intercession” in the “Prayers” section of authorised forms for Service of the Word and Holy Communion (p. 30). There are accompanying notes which make clear that nothing in these services must “suggest that the service is a marriage service or that it is a form of Prayer and Dedication after Civil Marriage or Thanksgiving for Marriage” (note 3, p. 31; also in the Guidance). Although these “standalone services” cannot be used at present it seems likely that any service outlines for “regular services” using PLF resources will have an almost indistinguishable service structure from those offered here and it is noteworthy that what these services set out to do is explained (p.29) by quoting a bidding prayer which is within the suite able to be used in “regular services” (p. 15).

6. How are the prayers to be legally approved and introduced?

Having considered almost every possible canonical route for introducing the prayers there now appears to have been a decision (presumably by the House on October 9th) to use the following three paths:

The **Prayers for a Covenanted Friendship** are, at some future date, to be “commended by the House of Bishops as being suitable for use by ministers in exercise of their discretion under Canon B5” (Annex B, p.11). It remains unclear what demand, if any, there is for these prayers.

The **PLF Resource Section** materials are to be “commended by the House of Bishops as being suitable for use by ministers, including, where applicable, in the exercise of their discretion under Canon B5” (Annex C, p.13). This different wording appears to arise because they are primarily to be used under Canon B1 (Annex A, para 5, p.6, Annex C, p.14) within a service’s intercessions but may have to be used under B5 when an authorised service only permits set intercessions. Commendation will not take effect until the first two parts of the

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currently draft Pastoral Guidance (Annex E) are finalised but it appears the plan is that this will be later this year (Annex G, p.85).

The Pastoral Guidance gives details about their use (in a Q&A format). This includes that use in a public service has to be “in regularly scheduled Sunday or weekday services” (Annex E, 1.1.1, p.48) and the material “must not be the central focus of that service, or constitute a separate, standalone service” (1.3.7, p.59). The focus appears to be encouraging their use as part of the intercessions (“may be included in the intercessions or prayers of a regular service”, 1.2.1, p.55) although nothing requires this and so a much more distinctive place in a service is possible. There is a restriction that “in the context of a service of public worship, the PLF should only be used by licensed ministers, lay or ordained, as well as those who hold the bishop’s Permission to Officiate, under the authority of the minister with the cure of souls” (1.1.7, p.51).

The **Outline Services** are to be brought to Synod for consideration under Canon B2 and a process is being devised (not legally required) for consultation with Diocesan Synods through 2024. It appears (Annex G, p.85) to be the plan to have First Consideration (requiring a simple majority in every House to proceed further) in February 2024 and Final Consideration in November 2025 (which will require two-thirds majorities in every House for authorisation). It had been expected this would be combined with using Canon B5A to authorise such services for experimental use before or during the synodical Canon B2 process (which I discussed [here](#)). This was what was relayed to the Living With Difference groups convened by David Porter through September and what various networks were informed would be done at meetings only a week before the House met (as [Helen King discusses](#)). For some reason, this plan was not the one then followed although use of B5A was clearly how the draft Pastoral Guidance was originally written as it notes that “there has not yet been time to incorporate fully the implications of the House’s decision to move to B2 authorisation for the standalone services” (Annex E, p.45). This decision means that these “standalone” services (which in February and July were presented simply as how the prayers could be legitimately used by anyone once they were commended) cannot happen until probably late 2025 at the earliest and, given the composition of Synod, may not be approved then.

These proposals for how to introduce PLF raise a number of questions including:

- a. *Whether commendation is an acceptable route for such controversial material.* I have discussed that [here](#) and the new history of commendation and authorization published in the Synod papers by the Liturgical Commission notes that when commendation was first introduced the then Legal Adviser reminded the bishops that it should only be used for variations “not of substantial importance” ([GS Misc 1359](#), p.20) which is consistent with the wording of Canon B5.1. Atherstone also quotes the Chair of the Liturgical Commission at that time making clear that “There should be no suspicion that this is an easier road for proposals that have not been able to win through the more complex process” (Quoted p.17) which most grant is the current situation with PLF (Helen King, Vice-Chair of the General Synod Gender & Sexuality Group, [admits](#) that a two-thirds majority in all three houses is “something clearly unreachable under the current Synod”).

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- b. *Why the substantive material in the resource section is being commended rather than being brought under B2 with B2 only being used for the comparatively uncontentious outline services.* Archbishop Ramsey explained to the House of Lords in 1965 when discussing liturgical changes that “if controversial matters arise, the requirements of two-thirds majorities ensure that they will be solved only by considerable consent and in conformity with the doctrine of the Church” (Quoted in GS Misc 1359, p.5). Being a controversial matter applies to the PLF Resource Section but only to the Outline Services because of their use of those resources and yet the proposal is that the controversial elements be commended.
- c. *Whether commendation places too much risk of legal challenge on parish clergy.* This is serious given points below concerning questions about the legality of the resource section (Q8) and the bishops have previously acknowledged that there may need to be “more legal protection for those ministers who choose to use the Prayers” ([GS 2303](#), para 13) than that provided by commendation.
- d. *Whether the distinction between the PLF resource section and “standalone” services has any practical significance and/or justifies proposing different routes of legal introduction into the church’s liturgical life.* It is, for example, strange to commend specific Bible readings focussed on the couple (pp.24-28) and an introductory bidding (p.15) given the guidance that PLF should “not be the central focus” (Annex E, 1.3.7, p.59) of any service.
- e. *What difference this development makes in practice (given the use some clergy are already making of their discretion under Canon B5) and whether authorisation under B2 (or even following the Pastoral Guidance for commended PLF) may limit that discretion*
- f. *What happens to the commended Resource Section should the “standalone” services fail to be authorised under B2.*

I discussed many of these concerns more fully in [my earlier account](#) of the bishops’ reported decisions and also in [my analyses of the various possible canonical routes for PLF](#) and my [critique of using B5A along with B2](#).

Finally, in relation to their use in parish churches once commended, the decision to use PLF is that of the minister with the cure of souls (Annex E, 1.1.8, p.51). However, the guidance is clear that “it would be wise for them to discuss use in public services with their PCC and work within the tradition and sensitivities of their local context” (1.1.1, p.48). In contrast, if Synod passes “standalone” services, they will not (like other authorised services under B2) be available for anyone to use but only be able to be used through an “opt-in” process. This will require both the agreement of the incumbent and a resolution by the PCC and there will also be a requirement to notify the bishop and area/rural dean (1.1.2, p.49).

7. Are the prayers faithfully implementing the February Synod motion?

The introductory paper makes quite clear that what is being reported is work done “towards implementing” the February Synod motion (para 1). That motion “has shaped the space within which this work has been conducted” including the commitment to “no change contrary to or indicative of a departure from the doctrine of the Church of England” (para 2). That crucially important wording is found in the Cornes amendment which was passed by Synod in February and had the support of both Archbishops and the Bishop of London. In July, the bishops were clear in their report to Synod that “The bishops are upholding the

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Doctrine of Marriage and their intention remains that the final version of the Prayers of Love and Faith should not be contrary to or indicative of a departure from the doctrine of the Church of England” ([GS 2303](#), para 20).

Although this is not explicitly admitted or drawn attention to, the papers make clear that the proposed way forward does not in fact fulfil this intention or comply with the February motion. Presumably referring to the unpublished legal (and perhaps theological) advice, the bishops note that

we have been advised that whether liturgical provision is “indicative of a departure” from doctrine poses a different question from whether it “is contrary to” that doctrine. It includes consideration of what a liturgical provision indicates about the Church’s understanding of its doctrine and what that doctrine requires (Annex A, para 16, p.8).

They have also been advised that, in the light of existing pastoral statements,

it would be difficult to say that making the PLF available for same-sex couples without there being an assumption as to their sexual relationships was not indicative of any departure from the Church’s doctrine (para 17, p.8)

Once the convoluted language here is negotiated this is saying it is “difficult to say” that the proposal as it stands complies with the February Synod decision. The reason for this is stated as:

If the PLF are to be available for same-sex couples without there being an assumption as to their sexual relationships, there would have been a change in the Church’s formal position on what its doctrine of marriage, and the place of sex within it, did and did not preclude in terms of public worship. Such a change might indicate a departure from the previous understanding that the Church’s teaching precluded public worship being offered for a same sex couple who were or might be in a sexually active relationship (para 17).

In other words, the Prayers for Covenanted Friendship clearly pass this test as they are presented as only for non-sexual relationships. However, the Pastoral Guidance as drafted and the PLF Resource Section which is to be commended do not. This is in line with the legal advice back in November 2016 in GS 2055. That was clear that if (as noted is now officially the case, see Q3 above) the teaching about sexual behaviour was not rescinded then

If that remained the Church of England’s teaching, then a service which sanctioned or condoned such a sexual relationship would not meet the requirement that a service must “edify the people” and would probably also be contrary to, or indicative of a departure from, the doctrine of the Church of England in an essential matter ([GS 2055](#), para 9, p.18).

The bishops are asking Synod to recognise its proposals for PLF as “progress made by the House of Bishops towards implementing the motion on Living in Love and Faith passed by

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this Synod in February 2023” and to “encourage the House to continue its work of implementation”. They are also, however, admitting (albeit *sotto voce*) that it is hard to deny that, in the words of Standing Order 25, their proposals represent a “course of action contrary to or substantially inconsistent with a decision made by the Synod within the preceding 11 months” because they are, despite repeated claims to be upholding doctrine, in fact “indicative of a departure from the doctrine of the Church of England”.

8. Are the prayers legal?

This significant new acknowledgement by the bishops clearly also weakens the case that the prayers to be commended are legal. However, the strict legal requirement in the canons is, a narrower one. It only prohibits something which is indicative of a departure from the church’s doctrine “in any essential matter”. The bishops therefore explain (Annex A, paras 21 and 22, p.9) how they have come to a judgment on this crucial question in the light of the theological rationale (Annex H). They believe the proposed use of PLF represents “a new insight into doctrine” that “is compatible with the general Anglican approach” in which “the essential doctrines of the Church of England are safeguarded” and so it “can be reflected in forms of worship” (Annex A, paras 23, 24, 25). They therefore say they have come to the view that “in so far as making the PLF available for couples in an active sexual relationship does involve any departure from doctrine” (ie contradicts the February Synod motion) it “nevertheless does not involve a departure from doctrine ‘in any essential matter’, and that doing so is compatible with the relevant canonical requirements” (para 26). At no point, however, are arguments set out for treating sex outside marriage as not an “essential matter” in relation to the church’s doctrine. It is clear that a significant number in the church believe that this teaching is an essential matter rather than *adiaphora* and past legal advice has provided some support to this conclusion ([GS 2055](#), Legal Note para 9, p. 18, quoted above). This claim that this is not an “essential matter” is clearly an absolutely crucial one and yet it is set out very briefly and bases itself on a rapidly produced document (Annex H) presenting what is acknowledged to be “a new insight into doctrine” in an untested line of argument. That argument is likely to be subjected to as much scrutiny and critique as the previous (now abandoned) argument for legality based on the distinction between civil marriage and holy matrimony. There are good grounds for arguing that it is at the very least currently unclear whether to build on this “new insight” will prove to be building on sand or rock. More time assessing the solidity of this new foundation would therefore be wise.

If, as appears, the previous civil marriage/holy matrimony distinction is no longer being defended then the legality of the prayers for those entering a same-sex marriage is also now much more questionable. It cannot any longer be based on the previous legal advice summarised in [GS Misc 1339](#). The papers acknowledge that the legal advice the bishops received “set out both sides of the argument” and called on the bishops to “exercise our legally- and theologically-informed judgment” (Annex A, para 10, p.6). The bishops appear to think that it is sufficient that the prayers do not refer to legal marital status even where such exists (and may have just recently been entered by the couple). This, however, does not make clear how this assessment relates to past statements that “getting married to someone of the same sex would, however, clearly be at variance with the teaching of the Church of England” ([2014 Pastoral Statement](#), para 26, cf. para 20). It is not clear whether

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this teaching has now been rescinded by the bishops or whether (like the teaching in relation to sex outside marriage) it is being upheld but seen as simply another “not essential matter” doctrinally and so able to be set aside on the basis of “pastoral provision”.

It does therefore now appear that most of [how the Archbishop of York described February’s proposals](#) is no longer the case if the prayers are to be legal:

acknowledging the legal and pastoral reality of two forms of marriage in British society and observing the evident good in the lives of those who have entered into same sex civil partnerships and civil marriages - these couples could now come to church and have that relationship acknowledged, celebrated and the couple received a blessing.

There is no more talk of “two forms of marriage”. No acknowledging the relationship of same-sex civil partnership or civil marriages. The couple cannot come for a distinct service. Any service cannot be focussed on their relationships. They do not receive a blessing but rather prayers for God’s blessing. Any prayers are most likely to be said during the intercessions.

In the face of so much unclarity and shifting arguments, perhaps the simplest solution would be for the bishops to be clear (as noted above at the end of Q4) how they are now viewing a civil same-sex marriage and its relationship to holy matrimony and why they are viewing it in this way. This, however, is not addressed in the papers.

When presented to General Synod in February ([GS 2289](#), p.24) the prayers included the clear statement

The prayers and forms of service commended here are ‘neither contrary to, nor indicative of any departure from, the doctrine of the Church of England in any essential matter’ (including, but not limited to, the definition of Holy Matrimony in Canon B 30).

However, no such clear and emphatic statement appears anywhere in Annexes B-D or anywhere else in the new papers. This is presumably because [GS Misc 1339](#) was open about the fact that

In reaching a final view on the legal position the Legal Office will need to see both the final draft of the Prayers and the replacement pastoral guidance (para 10).

When that was written, the “replacement pastoral guidance” referred to what would replace *Issues* (as in the February motion) and not simply the current draft pastoral guidance for PLF (Annex E). It is unclear whether the Legal Office is now only requesting the final text of Annex E or still need to await the full pastoral guidance (including the matters addressed in *Issues*) before they can offer a clear legal notice clarifying the prayers’ compatibility with the canons.

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9. What about the Pastoral Guidance and clergy discipline?: Same-sex marriage and non-marital sexual relationships

Turning now to the Pastoral Guidance, it is clear that two central outstanding questions are whether clergy will still be expected to uphold the church’s teaching on marriage and sexual behaviour in how they order their own lives. In particular, whether they should refrain from sexual relationships other than holy matrimony and whether it is still the case that

The House is not, therefore, willing for those who are in a same sex marriage to be ordained to any of the three orders of ministry. In addition it considers that it would not be appropriate conduct for someone in holy orders to enter into a same sex marriage, given the need for clergy to model the Church’s teaching in their lives ([2014 Pastoral Statement](#), para 27).

Bringing an end to that policy is a major goal of many bishops and others seeking change. As reported in July to Synod, one of the key questions the Pastoral Guidance Implementation Group raised with the bishops was “whether clergy should be allowed to enter same-sex civil partnerships or civil marriages” (para 17). It was also reported in July that, although bishops had been “asked to give informal steers”, only “once they were able to consider the progress of all three working groups more comprehensively could formal decisions be made”.

It would appear from the papers to this Synod that this indecision is still the case. Nothing has been announced concerning a House decision on these matters. It is instead reported in relation to the Pastoral Guidance that while “a significant amount of work has also been done on Part 3, which explores ministry, the life of clergy and lay ministers and the ministry of bishops...more work still needs to be completed in this area” (Introductory Paper, para 14, p.3). The bishops state:

The House of Bishops’ intention is that this further work will consider whether the rationale of pastoral provision might provide a basis for allowing clergy to be in same-sex marriages (Para 15, p.3).

This phrasing is open to at least two interpretations – (1) that the bishops have made no formal decisions on “allowing clergy to be in same-sex marriages” and intend more work on what to do or (2) that they have decided to allow clergy to be in same-sex marriages but have not yet decided “whether the rationale of pastoral provision might provide a basis for” this or whether some other rationale is needed. The latter would mean that they have willed (but not announced) the end and are now simply seeking to find the best theological and perhaps legal means to achieve and justify that end. Charlie Bell [claims](#) that “It is a bare-faced lie to say that there is no draft guidance – I have seen it, and it has been presented to the House and College of Bishops. Very substantial votes in favour of change have been registered amongst the bishops. So what exactly is going on?”. Ben Bradshaw [has asked](#) whether it can be confirmed that “there were clear recorded majorities in both the House and College of Bishops to allow clergy to enter into same-sex civil marriage and to remove the stipulation that currently requires celibacy for clergy in same-sex relationships”. These suggest that in fact, despite (1) being the plain reading, (2) may be the correct interpretation

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of the statement. This would mean decisions are being made by bishops and then some theological or legal or other reasonable basis being created to support what has already been decided. It would also raise serious questions about the completeness and honesty of the papers which have been presented to Synod.

In reality, the legal problems in relation to clergy being in any sexual relationship other than marriage are now particularly challenging. This is due to the reaffirmation of a traditional sexual ethic as part of the doctrine of marriage (Q3 above) and the requirements of [Canon C26](#) that a clerk in holy orders shall “at all times...be diligent to frame and fashion his life and that of his family according to the doctrine of Christ, and to make himself and them, as much as in him lies, wholesome examples and patterns to the flock of Christ”. Given the use of PLF for a sexual relationship other than marriage has apparently been ruled as indicative of a departure from doctrine the same would appear to apply to allowing clergy to be in such a relationship. Unlike the liturgical canons there is no “in any essential matter” loophole that can be appealed to in Canon C26.

The same issues appear to apply to entering a same-sex marriage (even if non-sexual). This is why GS 2055 was clear that unless Canon C26 or Canon B30 were to be amended the only option were the bishops to wish to permit clergy to enter same-sex marriages would be for them to “issue a teaching document which explains that [civil marriage is no longer the same institution as holy matrimony] [civil marriage with a person of the same sex is a different institution from holy matrimony] and that a person who enters into such a civil marriage should not, merely by doing so, be considered as acting in a way contrary to the doctrine set out in Canon B 30” ([GS2055](#), para 13d). They have given no evidence that they now wish to pursue that route and in fact appear to be drawing back from such a distinction in their latest documents compared to what was said in February.

The fact that so much here remains unclear or undecided creates a further problem for the bishops given that they have emphasised that PLF and Pastoral Guidance need to be kept together. There is no argument in the paperwork for why this is no longer the case. It will be interesting to hear how the Archbishop of York will explain away his commitment to General Synod in February not to commend prayers until the Guidance was complete. He also promised not to proceed until Pastoral Reassurance was prepared but this is even further behind than Pastoral Guidance.

10. What about Pastoral Reassurance?

Annex F (pp.70-81) provides further information on what the bishops have called “pastoral reassurance”. It offers a definition and set outs agreed elements (though many of these still require further work) and further elements including what is now called “Formal Structural Pastoral Provision”. This is “for churches who believe they need some degree of differentiation from churches, bishops or other church structures who favour the use of the Prayers” (para 17, p.76). Among significant initiatives planned are a statement by the bishops, the previously announced Pastoral Consultative Group, and an Independent Reviewer.

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Although still only in outline there are various questions raised by these proposals. To take just one example, “why might bishops be required (para 18) to honour and respect the choice to use prayers which it is admitted are indicative of a departure from the church’s doctrine, particularly if the bishops also believe this departure is “in an essential matter” and hence their use is unlawful?”. This raises the matter of “how far the freedom of conscience of individual bishops on these issues, in a time of uncertainty and when the House itself is not of one mind, can go”. It is rather ominously noted here that “these are difficult questions” (para 29). The paper also notes that all this does not just have an impact on bishops and clergy but also on lay people who need reassurance (paras 31-33). A constant refrain in Annex F, however, is that “further work” (the phrase appears 16 times) is needed or “should be done”. This makes clear how far behind the PLF, and even behind the Guidance, this absolutely crucial third element of reassurance is in practice within the LLF process.

In relation to “formal structural pastoral provision” a number of options are suggested (para 35) but most, perhaps all, of these fall short of what many evangelicals have clearly and repeatedly said they would need. It is also made clear that “in committing to carefully explore and consider how such provision might be taken forward, the House is not at this stage advocating for formal structural pastoral provision” (para 36) and that the focus is only on “delegated oversight” and “many would be opposed” even to that (para 38).

In February, [the Archbishop of York](#) recognised the need for “some settled way of assuring” those who hold to current teaching and practice that they “did have a place within the church”. He told Synod,

I want to give you this pledge that I won't be able to vote, I won't be able to support commending these prayers when I hope we vote this through today. But I won't be able to support commending these prayers until we have the pastoral guidance and pastoral provision.

It is clear from these papers that a settled and assuring form of pastoral provision (a key part of the Living With Difference meetings that are not even mentioned explicitly in the paperwork) is still a long way off with July next year the earliest for some key proposals even being presented to Synod according to Annex G (p.85).

11. How has all this been decided and how is Synod being treated?

In addition to all these matters of *substance*, the whole *process* that has led to these latest papers also raises crucially important questions (some of which I have signalled in recent pieces [here](#) and [here](#)). Among the [Nolan Principles for Public Life](#) are accountability, openness and honesty. The Pastoral Guidance “encourages transparency and honesty” (Annex F, para 8, p.73 with reference to e.g. Annex E, 1.1.3 (“good practice guidance about consultation and transparency”), 1.1.9, 10 and “Making Transparent Decisions Locally”, section 2.1, pp.60ff). [The Pastoral Principles](#) include “Paying Attention to Power”. These qualities, principles and commitments have, however, not been particularly evident in the recent history of the LLF process, especially since the July Synod.

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Although not reported in the paperwork to the July Synod, it became clear before it met that the Implementation Groups had been disbanded. Synod was erroneously informed that this was in part because “When the working groups were set up it was initially envisaged that they would be in place until Summer 2023, to report back to this Synod meeting, and a commitment was sought of members on this basis” (Answer to Q96, [Report of Proceedings](#), p.153). In fact, the invitation letter clearly stated that “It is envisaged that the lifetime of this work will be from the end of March to the autumn of 2023. The exact timing will depend on what is brought to General Synod in July 2023, how it is received, and what further work remains to be done after July”. Those of us on the groups were also told after our summary dismissal that “our hope is that we might continue to draw on your expertise as required, either in more of a reference group model or to contribute to specific ‘task and finish’ groups...This suggested way of working will be further discussed by the Steering Group later this week, at which point we will be back in touch with final details.” Nothing more was then communicated. As these papers make clear, however, much work has been done since July and significant decisions reached. There has, however, been no explanation of how it has been done, by whom, under whose instruction. The [web page on “the LLF journey”](#) ends in July and continues to have the membership and terms of reference of the disbanded groups. Helen King has also [recently expressed concerns](#) about how the Living with Difference and stakeholder meetings were treated in September and, as noted above, it appears that the decision not to use Canon B5A to authorise experimental use was a sudden, last-minute change just days before the House met.

There is a paper to Synod which purports to offer a “summary of decisions by the House of Bishops” ([GS Misc 1353](#)). Its report of the crucial 9th October meeting simply reads, “The House met at the Emmanuel Centre in London to agree the papers to be presented to the General Synod on Living in Love and Faith. There were no other items on the agenda”. It is clear that a number of crucial decisions (not simply indicative votes) must have been made at that meeting. This is not only because they gave shape to the papers released but because of the highly unusual [statement of dissent](#) issued by 12 bishops who attended it. Despite these papers signalling a number of changes they would welcome (e.g. in relation to sexual ethics being reaffirmed and linked to the doctrine of marriage) they felt compelled to call on the other bishops to “reconsider the course we saw mapped out in our meeting”. None of these decisions are, however, reported in this “summary of decisions”.

The Synod papers themselves, although they provide much information, fail to provide the legal advice which was clearly given to the bishops (and appears to differ from that previously provided and eventually released in summary form before the February Synod). There also appears to be some form of “theological advice” (perhaps relating to the work of FAOC) which the bishops received (in addition to the rationale provided in Annex H) and to which Synod has not been given access.

The motion presented to Synod invites it to “recognise the progress made by the House of Bishops towards implementing the motion on Living in Love and Faith passed by this Synod in February 2023, as reported in GS 2328”. However, as we have seen, the bishops themselves admit they have failed to implement the Cornes amendment in their “progress...towards implementing” the Synod motion. The decision to create a new category of “standalone services” within the original PLF materials and to bring those under Canon B2

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rather than commend them is also difficult to align with the motion. “Recognising” what they have done therefore is either a meaningless statement simply acknowledging that they have done something or, if “recognising” signifies approval, it arguably falls foul of SO 25. This is because approval of the House’s actions and report means supporting “a course of action contrary to or substantially inconsistent with a decision made by the Synod within the preceding 11 months”. To “encourage the House to continue its work of implementation” with no clearer direction or control to ensure greater transparency or accountability, especially given the significant changes and inconsistencies evident in their latest proposals, would be effectively equivalent to writing a blank cheque for someone whose recent actions have bordered on fraud. Prominent campaigner for change, Charlie Bell, has [written](#) that “As a wise priest friend said to me: what the bishops have done may be legal, but it is not honest. Bishops, it is time you remembered the wording of our ordination vows. Our obedience is not without caveats”. I have heard numerous evangelicals who fundamentally disagree with Charlie on the desired outcome express similar deep concerns about the process and the conduct of the Archbishops and the bishops collectively. As the dissenting bishops warned, “we believe that bishops must have due regard to the obligations of good and proper governance”.

I have [recently noted](#) depressing parallels between how the Church of England is handling this and the Brexit process. One feature of that was the legislature regularly having to fight for its rights (although then struggling to do any better itself due to its own divisions) against an over-weening (and to many abusive and incompetent) executive. It may be that General Synod now needs to consider how it can act similarly and reassert established checks and balances within our church constitutional structures given how it is being treated by the Archbishops and House of Bishops.

12. What are we to make of all this?

There was never any doubt that once we moved into the discernment and implementation phase of LLF it was going to become much more difficult and messy. The Archbishops and other senior leaders, having seen the collapse of their proposals in GS 2055 after the Shared Conversations, bought time (extended by Covid) and have had over six years to prepare for this and to carefully chart possible paths forward. Instead, we have witnessed and continue to experience what has proved to be almost a paradigm case of an “[omnishambles](#)”. Initially they made great promises about the changes they were introducing in part to console those who wanted “equal marriage”. This alienated those in the Church of England and wider Communion who supported current teaching. The bishops have now presented proposals which fail to alleviate those concerns despite more clearly reaffirming current teaching (one suspects if they had started with something like the theological rationale offered now they would not only have enabled a more serious and intelligent discussion but may have won over some conservatives). This is unlikely to be reassuring to conservatives largely because they have finally admitted their proposals are in fact indicative of a change in doctrine. On the other hand, these new proposals have, quite understandably, elicited outrage from those pressing for change because of the latest paper’s wording, substance, processes of production, and new rationale (as seen in the responses of e.g. [MOSAIC](#), [Ben Bradshaw MP](#), [Nicholas Bundock](#), [Helen King](#), [Andrew Dotchin](#), [Robert Thompson](#)). They were coming to terms with having failed to secure same-sex marriage and accepting what was on offer

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which was [heralded by the Church of England](#) as “For the first time, under historic plans outlined today, same-sex couples will be able to come to church to give thanks for their civil marriage or civil partnership and receive God’s blessing”. Now, however, it seems that

- affirming sex outside heterosexual marriage remains contrary to church doctrine,
- there is no celebration of a couple’s civil same-sex marriage,
- prayers can only happen in regular services and not be the focus of the service (“say a few prayers for the gays during the intercessions” in [the words of Charlie Bell](#)),
- prayers may include a prayer for blessing but no vows or exchange of rings or prayers over rings,
- services specifically focussed on same-sex couples will only be permitted after 2025 and only if (which seem highly unlikely) supported by two-thirds of all three Houses of Synod,
- even if passed these services will need to be opted into by PCCs and clergy, and
- it looks increasingly hard to find a legal basis to permit clergy to enter same-sex marriage.

The church’s episcopal and archiepiscopal leadership somehow convinced itself – and most of them even voting for the Cornes amendment – that GS 2055 was in error when it set clear limits as to what was logically and legally possible in practice without changing the law or doctrine of the church. They wanted to do more than in 2017, in particular in relation to liturgy, and initially promised they had done so in a major, “historic”, development. But this was simply “[cakeism](#)” and ultimately had to come to terms (at least to some degree) with reality. That is in part what is now happening with these proposals. The problem with truth-telling remains, however, as the bishops are still falsely claiming to be implementing the February motion. In fact they are offering a way forward that it seems nobody welcomes or believes in and fails to provide a coherent or attractive or politically stable vision for either the church or society. The bishops have moved their ground theologically and legally but still failed to offer something that appears either biblical or reasonable or able to respond to significant questions and problems. They are suggesting we now settle somewhere that appears possibly even more unstable and unappealing than their previous proposals.

It might be claimed that the bishops are simply and honourably seeking to hold the church together and to be pastoral faced with the challenges of our disagreements at this “time of uncertainty”. The reality is, however, that they have failed to take seriously that a large part of what we are facing – as now is becoming public among the bishops themselves with the dissenting statement – is not fundamentally widespread uncertainty. It is rather competing and incompatible near-certainties on deep theological questions that then generate alternative visions of God’s purposes and call to us that are now dividing us, perhaps close to down the middle. The well-established processes in the face of uncertainty and division have a conservative bias towards the status quo. This is for good reasons given our belief we are simply part of the one, holy, catholic and apostolic church across time and space. They require the careful discernment of the people of God in Synod not simply the exercise of episcopal power, super-majorities before liturgical and doctrinal development, respect for the established law and doctrine of the church, and careful and time-consuming theological formulation and discernment before rushing ahead on the basis of alleged new insights. That is frustrating for those eager for change but what we are discovering is that we will repeatedly keep getting ourselves into yet “another fine mess” if we do not respect and

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follow such received wisdom. This latest offering from the House sadly represents another tragic, potentially catastrophic, failure of leadership across the board – theologically, procedurally in terms of good governance and managing cultural and institutional change, pastorally, and missionally.

The day before the papers were released those saying Morning Prayer were perhaps being prepared for what was to follow. They read Ezekiel’s prophetic critique of the shepherds of Israel (Ezekiel 34:1-16). In such times of God’s judgment of his people, which is perhaps what we are now experiencing, we all need to acknowledge our failings. But we also need to hold onto and trust in the promise which follows those stark words, the ray of hope which many will have read just hours before the papers appeared and unleashed the storm that will now likely rage up to, through, and beyond, General Synod:

I will judge between one sheep and another. I will place over them one shepherd, my servant David, and he will tend them; he will tend them and be their shepherd. I the Lord will be their God, and my servant David will be prince among them. I the Lord have spoken.