

Making sense of non-sense

“Reset” revealed

The publication on Friday of the latest LLF paper for General Synod ([GS 2346](#), with proposed motion [here](#) on p.15) had been prepared for with [signals](#) that it would propose a “reset” of the LLF process focused on “commitments” and with the goal of achieving an overall “settlement”. This was in the context of a stormy 2023 (reviewed [here](#)) revealing a [deeply divided Synod and wider church](#) and ending with [the commendation of Prayers of Love and Faith](#) but only for use in regular services.

The initial signs are not promising that this new approach will overcome the divisions. Those pressing for change – particularly the rapid introduction of new standalone services and new Pastoral Guidance opening the ordained ministry to same-sex married clergy – were particularly unhappy with the proposals when first signalled. This may change as the commitments that have been proposed include “we are committed to the experimental use of standalone services of PLF” (commitment 6) and “we commit to exploring the process for clergy and lay ministers to enter same-sex civil marriages” (commitment 8) but these in turn will make it very difficult to gain support from those committed to current doctrine. This is particularly the case as there is no longer any clear commitment to uphold that doctrine and the commitment to explore “formal structural changes” refers only to the “minimal...changes necessary to enable as many as possible to stay within the Church of England (commitment 9). This appears an incoherent test (assuming greater structural changes will always enable yet more to stay within the CofE) and is detached from the changes having to be proportionate to the degree of changes made to worship, doctrine and discipline. On the other hand, those wishing change will struggle with the sixth proposed commitment including the commitment of “completing the Pastoral Guidance and Pastoral Reassurance work before allowing the use of the standalone PLF” and the projected timetable in the paperwork (p. 20) which suggests this will not be until some time in 2025. This is in one sense a return to the promises that were made (but then broken) in the course of 2023 to bring the three strands together (notably in the [Archbishop of York’s promises](#) in the February Synod) but is a stark contrast to a year ago when Synod was led to believe that all these changes would be ready to implement or in place by July 2023 or certainly by now in early 2024.

The Synod therefore meets again in the context of considerable confusion, anger, disappointment and sense of betrayal which is present across the range of perspectives. There is almost no trust in the bishops because of how they have behaved over the last year. This article, rather than seeking to gaze into the crystal ball of the future, attempts to look back for greater clarity on what has happened – how we got here – which is necessary to understand why it is so difficult and why a “reset” is being called for to get us out of the current impasse. This requires trying to make some sense of the often seemingly non-sensical processes and episcopal actions particularly over the last half of 2023. It does so in the light of important information revealed in Annexes A and B of the new paper. These (although currently more like a cloud as small as the size of a man’s hand) may prove to be a small token of the second commitment to “honesty and transparency” which states “we will seek the maximum possible level of transparency regarding legal advice given to the House of Bishops (acknowledging the complexities of such advice)”.

What has happened?

The process through 2023 has been so complex and convoluted and, particularly since the summer, so concealed that very few are likely to have a clear picture. [A more comprehensive account is available](#) but for the purposes of what follows the central developments in relation to the three main issues to be considered, as they appeared before GS 2346, can be summarised as follows:

Date, Event & Sources	Legal & Theological Issues	PLF	Pastoral Guidance and Same-Sex Married Clergy
September College of Bishops (18 th to 21 st) Report of meeting	Civil marriage/Holy matrimony distinction GS Misc 1339 (but suggestions FAOC beginning to question this)	First introduction of separate “standalone” category and College support use of Canon B5A in indicative vote (Oct 26 Leak)	Draft PG which proposing clergy enter same-sex marriage and College support this in indicative vote (Oct 26 Leak)
October House of Bishops (9 th Oct) Report of meeting leading to 12 th October – Dissenting statement issued		Vote to commend suite for use in regular services under Canon B5. Vote for standalone using Canon B2 but not Canon B5A (reversing College majority) (Report of meeting)	Vote to include clergy in same-sex marriage according to Oct 26 Leak but never confirmed
November General Synod (13 th to 15 th) GS 2328 (issued 20 th October) Synod Proceedings Debate recording (Tues PM , Wed AM) Final motion LLF voting (analysis here)	Pastoral Provision in time of uncertainty in Annex H of GS 2328 , CM/HM argument absent (see my account here) Clarity in theological rationale that doctrine includes that marriage is proper place for sexual intimacy Legal advice summarised in Annex A of GS 2328 , paras 10-12, 16-21, but much debate about need for greater clarity and detail (see my account here)	HoB propose standalone using Canon B2 but not Canon B5A ie no experimental use. Oxford amendment in favour of standalone soon ie Canon B5A (reversing House proposal with support of Archbishops and London)	Nothing brought to Synod

Throughout this period and these changes, as had been the case since January, one constant was that there was no intention to change the church's doctrine or canons.

What does GS 2346 reveal about the process from September 2023?

Although most attention will probably be given to the proposed draft commitments that are at the heart of the proposal from Bishop Martyn Snow, what is at least as significant is that in Annex A (in relation to canonical routes for introducing standalone PLF services) and Annex B (in relation to Pastoral Guidance and clergy in same-sex marriage) the paper provides *significant new information* in relation to four areas. This is to be welcomed as it enables the careful, informed reader to piece the evidence together sufficiently to gain greater understanding of what has been happening. In particular, for the first time it sheds some light on the major legal and theological problems that the process is now facing and why they have arisen in this way. Sadly, however, this also results in identifying key incoherences or inconsistencies and provides alarming new evidence of bad processes that raise more questions. To see this bigger picture, it is necessary to bring together two new legal analyses with two new pieces of factual information and then to set these within the wider narrative sketched above.

The two important elements of legal analysis are:

- A summary of canonical routes for PLF standalone services (Annex A, pp. 6-11 concluding with a very helpful table at pp. 12-13 assessing six options). This “incorporates advice provided by the Legal Office over the last eight months” (p. 6) so presumably since the July General Synod. It is unfortunate that a clearer timeframe has not been provided of (a) when this advice was drawn up and shared or (b) whether, when, and how it has changed. This is important given what I have described as [the “hokey-cokey” “in-out” decisions of the bishops](#) from September to November, and the [claims of the Bishop of London](#) to the November Synod that “nothing is being hidden” and “what you have in [GS 2328](#) is the legal foundation upon which we have given you the decisions. It is there clear and transparent in that document” ([Report of Proceedings](#), p. 229 or p.232 of PDF). This new information is helpful in relation to the changes set out in Column 3 above including in relation to the [ten questions I have raised](#) concerning Canon B5A.
- An “outline of considerations around removing restrictions for clergy to enter into same-sex marriages” (Annex B, pp. 14-17, here at p. 14). This presumably similarly draws on the work of the Legal Office shared with the House of Bishops in recent months. It is also in substance largely the same as that [released back in January 2017 as Annex 1 of GS 2055](#) and so could have been known by the Bishops when meeting as a College in September and as the House in October even if not directly issued in papers for those meetings.

The two new pieces of information concern the fact that the House of Bishops in their 9th October meeting took two formal decisions which have never been formally announced but are revealed here, without fanfare and almost in passing, along with the House's voting figures (Annex B, pp. 14, 15). These relate to

- the legal and theological bases for the LLF/PLF project (Column 2 above) and
- the Pastoral Guidance and same-sex married clergy (Column 4 above).

Questions relating to undeclared decisions of the House were raised in the November General Synod and (demonstrating that some people were already aware of the House's secrets) the two areas were even specifically identified ([Report of Proceedings](#), pp. 54-55 (53-58 in PDF)). The Archbishop of York refused, however, to answer such questions on the basis that “the proceedings of meetings of the

Andrew Goddard, 13th February 2024.

House and College of Bishops, including details of votes, are confidential” ([Report of Proceedings](#), p. 47).

What follows shows how, taken together and related to the three areas of pastoral guidance, legal and theological basis of the bishops’ proposals, and PLF in relation to standalone services, we can now begin to see:

- What has actually happened and why, particularly at the crucial 9th October meeting of the House of Bishops
- The serious questions that decisions taken there raise about the weight given to legal and theological advice in the bishops’ deliberations
- The misleading nature of the House’s paper to, and some statements of bishops at, the November General Synod
- The reasons why there is so much confusion and distrust among both those supporting and those resisting the changes the bishops are introducing
- The previously hidden decisions that have led us into such a serious impasse and led to proposals that we therefore need to “reset”.

So what happened at the House on 9th October?

The significance of the meeting of the House on 9th October has never been in dispute. At it “The House of Bishops agreed on the substance of papers needed to be presented to Synod, which were prepared under the oversight of, and agreed by, the LLF Steering Group” (Proceedings, p. 48). That day there was [a lengthy press release](#) which described what “the bishops agreed” at the meeting. It focusses exclusively on the decision to commend PLF for use in regular services and the decision (which it seeks to explain) not to use Canon B5A for standalone services. It makes no reference to any other decisions being taken.

Later that week, on 12th October, a dozen of the bishops present at the House issued [a clear and strong dissenting statement](#). Although it expressed opposition to the proposed commendation of PLF it also included concerns that “legal and theological advice the House has received” and “the need to respect the decisions of the Synod in February” were not properly represented in the House’s decisions and stressed that “bishops must have due regard to the obligations of good and proper governance”.

There has recently been much complaint from those wishing further changes, that the House is now disregarding the clear mind of Synod by not following through on the November motion (with the Oxford amendment) and swiftly introducing standalone services. It has, however, been clear for some time that on 9th October, the decisions of the House, in the light of (still unpublished) legal advice they had received, clearly disregarded the Cornes amendment (as explained in para 17 of Annex A of GS 2328). This amendment (which had stronger Synodical support than that in November for the Oxford amendment) was part of the final February motion and required (as the Bishops also reaffirmed was their intention to the July Synod) 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”. Those disagreeing with that Synod decision did not, however, protest about the bishops ignoring Synod at that point. In summary, even before the revelations in GS 2346 it was clear that ***this meeting decided to disregard the February Synod motion and the House’s commitment to the July Synod based on it.***

The important new information is that there were (at least) two other important motions carried at the 9th October House. Despite specific questions at the November General Synod and their significance for the LLF process, these have never before been acknowledged although one was leaked in late October. This secrecy perhaps explains why, once it became clear they were not going to be announced, twelve bishops felt it so important to publicly express their dissent, to include their concerns about good and proper governance, and to end their statement by referring more widely to “the course we saw mapped out in our meeting” i.e. a course extending beyond those matters placed in the public domain.

The significance of these decisions relating to (a) the Pastoral Guidance and allowing clergy to enter same-sex marriages and (b) the question of the relationship between civil marriage and Holy Matrimony both being in the form of *amendments* must not be missed. This presumably means they were not proposed by the Bishop of London and the LLF Steering Group (although it is quite possible that the Bishop of London and the Archbishops nevertheless supported them in the vote) and it is not even clear from the report in GS 2346 what motion (b) was amending. They were proposed rather by a bishop (presumably one from the group of bishops working for inclusion, with support from that group) committed to advancing the position set out in the amendment as rapidly as possible. This also means they would not have been supported by official paperwork from the Legal Office or the Theological Advisor. ***This raises questions as to whether any paper offering clear legal and theological analysis was presented in support of the amendments and how the decisions taken relate to the formal legal and theological advice given to that meeting.***

The failure to admit until now that these decisions had been made as “formal votes taken by the House of Bishops”, acting as one of the Houses of Synod, is not an unfortunate oversight given there were opportunities to do so in the press release, in GS 2328, and in answers to questions. Particularly in the light of the other new elements revealed in GS 2346 discussed below, ***this determined policy of non-transparency about episcopal decisions central to the LLF discernment process is one of the most alarming features so far in [an already messy process](#) which has raised significant [questions about the exercise of power](#).*** An astute lay person commented to me at church last Sunday about how they had not realised the gap between the House of Bishops and the General Synod and the levels of secrecy among the bishops, commenting “it’s almost masonic”.

The concerns intensify when each of the two new areas covered by the newly revealed amendments are examined in more depth.

Pastoral Guidance and Same-Sex Marriage

The relevant paragraph in GS 2346 concerning pastoral guidance and same-sex marriage officially confirms [what was leaked](#) over three months ago and reads:

At the House of Bishops meeting in October 2023, the House were asked to ‘agree that further work be done on part 3 (Ministry) of the Guidance for issuing as soon as possible.’ An amendment was moved to insert at the end of the motion: ‘with the intention that it remove all restrictions on clergy entering same-sex marriages, and on bishops ordaining, licensing and granting permissions to officiate such clergy.’ This amendment was carried by a narrow majority (18 votes in favour, 15 votes against, with 2 abstentions) and the amended substantive motion was also carried (23 votes in favour, 13 against, with 1 abstention). As such, there have been fliidd (and by extension Licensed Lay Ministers) being able to enter same-sex civil marriages and on writing a part 3 of the Pastoral Guidance which would be consistent with that, as recognised in the Commitments paper (p. 14)

Set in the context of the legal advice also now summarised in GS 2346, this decision about the Pastoral Guidance is particularly concerning. It is there clearly stated that “were a clergy person to enter into a same-sex marriage (under current teaching) they would be failing to frame and fashion their lives in a manner that was consistent with Canon C 26.2” (p. 16). ***This means that it would appear that the House (and presumably the College in September) consciously voted either to change current teaching or to produce new guidance that was inconsistent with the canons and teaching of the Church.*** It did this by a vote of only 18-15 with 2 abstentions (there are 53 members of the full House although always a number of vacancies). This means that this major decision was taken at a meeting with a significant number of absentees with only 51% of those present in support and yet the Bishops believe they are now committed to write Pastoral Guidance on this basis and have effectively committed the whole church to such a change. Despite this, ***the House then refused to inform Synod of this monumental decision which is now proposed within the draft commitments (Commitment 8) as requiring implementation.***

Rather than report the intention expressed in the formal vote, GS 2328 instead misled the Synod by stating that the House of Bishops’ intention was that further work on the Pastoral Guidance “will consider whether the rationale of pastoral provision might provide a basis for allowing clergy to be in same-sex marriages” (Annex A, Para 15). There has been no report of any such intention to consider the pastoral provision rationale being expressed in a formal vote in October. While considering this rationale and possible outcome might have been a legitimate consequence of the original open-ended motion it is a deeply misleading statement of the intention expressed in the motion passed as amended. This made no reference to “pastoral provision” as a basis. In fact, ***the amendment simply committed the House to achieving a certain end without reference to the means to that end or their legality or conformity to doctrine.*** Put alongside the other motion now revealed for the first time, the situation becomes even more serious. Taken together, the two amendments ***offer a quite different theological and legal basis for same-sex married clergy than that of pastoral provision which Synod was informed was the basis for the approval of PLF.***

As a footnote, it is now clear that [the statement from 44 bishops](#) (i.e. from across the whole College) which was issued on 1st November was a clear signal of support for this unannounced amendment given how closely its central message – “We look forward to Guidance being issued without delay that includes the removal of all restrictions on clergy entering same-sex civil marriages, and on bishops ordaining and licensing such clergy, as well as granting permissions to officiate” – echoes the language of the amendment now reported in GS 2346. It therefore faces the same legal and doctrinal challenges now identified in GS 2346: this development can only occur by change in teaching, extending the argument concerning pastoral provision, or relaxing discipline.

[Same-sex marriage, Holy Matrimony and the Church’s doctrine](#)

To quote GS 2346 again:

At the House of Bishops’ meeting in October 2023, there was also an amendment brought which asked that: ‘this House agree that same sex marriage is distinct from Holy Matrimony such that same sex marriage is not seen as impinging on Holy Matrimony in a way that contradicts the Church’s doctrine.’ This amendment was carried (by 20 votes in favour, 15 votes against, with 2 abstentions). This was, in part, based on preliminary theological work done by the Faith and Order Commission on whether same-sex civil marriage is a separate institution to Holy Matrimony, which suggested that the institutions were distinct but overlapping. What is not clear is how far the overlap compromises the possibility of distinct

enough institutions on the one hand, or what the exact nature of the distinction rests on (p. 15).

To understand the significance of this it is important to recall three key features of the situation at this time. Firstly, that a statement of the strong distinction between Holy Matrimony and same-sex marriage was the central legal argument articulated in the only previously published summary of Legal Advice during the LLF process ([GS Misc 1339](#)). It was a crucial pillar supporting the argument for PLF and had been subject to heavy [legal](#) and [theological](#) critique.

Secondly, the House had earlier in the summer finally asked the Faith and Order Commission (FAOC) to do theological work on this question. It is likely that the House (and perhaps the College back in September) was made aware of FAOC's initial provisional judgment and its need for more time to do further work. That judgment, however, undermined the previous legal analysis as Bishop Robert Innes, Chair of FAOC, confirmed in answering a question in the November Synod: "We were asked specifically to look at whether Holy Matrimony and civil marriage were substantially separate institutions. We considered that theologically, and considered that they were overlapping and distinct, so that they were not entirely distinct and separate" (Proceedings, p. 129).

Thirdly, it would also appear that it was only in preparation for the 9th October meeting that the theological rationale based on pastoral provision in a time of uncertainty (Annex H of GS 2328) was circulated. I noted this (on the basis of its cover note stating "It was shared with the House and College of Bishops ahead of the meeting of the House of Bishops on 9 October 2023") in [my critical evaluation of the rationale](#) where I commented that

Although it is claimed that it is "articulating the theological rationale that supported the approach taken following the February motion" ([Introductory paper](#), para 5, p.1) it does not refer to the previously central legal and theological rationale in terms of a distinction between civil marriage and holy marriage (discussed [here](#))

In this context, the amendment would appear to be an attempt to reaffirm the belief that the civil marriage/holy matrimony distinction is valid and give episcopal authorisation to the theological judgment that the distinction is sufficiently sharp enough to make the significant doctrinal claim that "same sex marriage is not seen as impinging on Holy Matrimony in a way that contradicts the Church's doctrine". This is despite the fact that such a sharp distinction was already coming under theological questioning from FAOC as noted in the answer to Synod quoted above and alluded to in GS 2346 (which refers to it being "clear that more theological work was required to establish whether this is a sustainable theological difference, as the goods of same-sex marriage are markedly similar to those of Holy Matrimony" (p. 15)). ***The amendment therefore appears to be an attempt to pre-empt or pre-determine and foreclose the work of FAOC by establishing a formal decision of the House that makes a doctrinal judgment, one that has never been theologically underpinned and may prove to be theologically undermined by the work of FAOC.***

The rationale of "pastoral provision" which underpinned the original unamended motion (whatever that stated) appears, once set within this narrative context, to be an *alternative* legal and theological foundation on which to build PLF and any changes to Pastoral Guidance, one not relying on the distinction and claim concerning doctrine that is expressed in the amendment. ***The amendment therefore appears to reject the shift to "pastoral provision" as the basis for PLF but it is unclear (from anything in either GS 2328 presented to Synod in October or now in GS 2346) what legal or theological basis was presented for this amendment.***

So where did this amendment arise from if not the Legal Office, FAOC, or the Steering Group? To understand this it needs to be recognised that its wording appears to be framed in the light of the legal advice given back in 2016 and found in [Annex 1 of GS 2055](#). This argued that “The applicable canonical provisions accordingly limit the possibility for tolerating the contracting of marriages by members of the clergy with a person of the same sex” (para 13, much as reaffirmed now in Annex B). However, it then offered four routes by which this conclusion (so unwelcome to those pressing for change in the Pastoral Guidance to allow same-sex married clergy) might be avoided. The only one of these four that avoids canonical change (and thus might possibly be considered compatible with the commitment not to change doctrine) reads

Leave Canon B 30 as it is but 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.

It would therefore appear that the amendment was worded in the light of that earlier legal advice as an attempt to reinstate the sharp distinction between civil marriage and Holy Matrimony that was looking increasingly dubious both theologically and legally. This was perhaps also thought to be important because of an awareness, or even specific legal and theological advice, that, as now summarised in GS 2346 at pp. 16-17, there would be significant challenges in “pastoral provision” providing a solid enough grounding (assuming the doctrine of marriage and the canons remained unchanged) for a same-sex marriage being compatible with ordination vows. GS 2346 now informs us that it is “highly likely” that “decisions that emanate” from pastoral provision with no change in canons or doctrine “could be challenged in the courts”. One of the reasons for this limitation of pastoral provision is likely to be that the contentious argument in relation to the legality of PLF relies on the canon referring to a departure from doctrine in “any essential matter” but (despite the use of this phrase in GS 2346, p. 16) there is no such limit or qualification concerning the relationship of doctrine to the pattern of life of clergy.

Although not addressed anywhere in GS 2346, it must also be recognised that, based on the theological rationale, the Pastoral Guidance opens with a clear statement that “The Church of England teaches that Holy Matrimony is a lifelong covenant between one man and one woman, blessed by God in creation and pointing to the love between Christ and the Church; a way of life which Christ makes holy. It is within marriage that sexual intimacy finds its proper place”. So long as this is the case, in the light of the discussion now set out in Annex B of GS 2346, this would seem also to have serious implications for another feature of current clergy discipline enshrined in *Issues* and subsequent Pastoral Statements. The three options set out in GS 2346 pp.16-17 in relation to clergy (and by extension Licensed Lay Ministers) entering same-sex marriage must also apply, given the logic of the argument and wording of Canon C 26.2, to clergy and LLMs entering into any sexual relationship (same-sex or opposite-sex) other than Holy Matrimony. In other words, this development can also only occur by change in teaching, pastoral provision, or relaxing discipline. This is the case whatever conclusion is reached in concerning the relationship between civil marriage and holy matrimony.

It is unclear whether any motion has been passed by the House of Bishops to address this situation. and it is therefore alarming that, despite the clear statement in the Pastoral Guidance concerning the teaching of the CofE on sexual ethics quoted above, ***the conclusion to Annex B includes the unsubstantiated and unjustifiable assertion regarding a relationship other than Holy Matrimony***

that “to pursue holiness within a faithful, exclusive and permanent relationship which may include sexual intimacy” is “not a refusal to live by the teaching of the Church” (GS 2346, p. 17).

What happened after the House on 9th October?

In the light of the new evidence provided by GS 2346, new questions now arise in relation to two further areas following the House’s meeting and running up to and into the November Synod. These relate to (a) the theological basis for PLF and (b) the episcopal “reverse ferret” in relation to the one decision announced from that meeting before February 2024: not using Canon B5A for standalone services.

What theological basis was decided upon for PLF?

If the reconstruction and contextualisation offered above in relation to the amendment concerning “same sex marriage is not seen as impinging on Holy Matrimony in a way that contradicts the Church’s doctrine” is at least broadly accurate then it means that **GS 2328 is so incomplete as to be misleading about the expressed mind and plans of the House of Bishops including in relation to the doctrine of marriage. Does the House of Bishops saying in GS 2328 that they continue to affirm the doctrine of marriage now mean, given this decision, that they do so with this understanding about its relationship to same-sex marriage?**

There is, however, a further concern: it would appear that the amendment was not only left unpublicised but was put to one side and ignored. This is of concern particularly for those who share the understanding of the amendment and who are eager for clergy to be allowed to enter same-sex marriages. The Pastoral Guidance as it stands is clear (p. iii) that

it is not possible to make a consistent theological and pastoral argument in quite the same way as in Issues in Human Sexuality. The underlying theological work for the use and implementation of the PLF can be found in the Theological Rationale published for the November 2023 Synod (Annex H of GS 2328 <https://www.churchofengland.org/sites/default/files/2023-10/gs-2328-llf-nov-2023.pdf>).

Given the decision of the House that entering a same-sex marriage does not contradict the Church’s doctrine, quite different forms of pastoral guidance in relation to the prayers become possible. What is more, **the still outstanding question about clergy entering same-sex marriages can be addressed, on the basis of this decision of the House concerning same-sex marriage and Holy Matrimony, in ways that are not open when “pastoral provision in a time of uncertainty” is the rationale.**

It would therefore appear that **the crucial distinction between civil marriage and Holy Matrimony accepted by a majority of the bishops, and the doctrinal implications explicitly drawn from this, are given absolutely no place in the theological rationale offered in GS 2328 and not factored into the production of GS 2328 or the published Pastoral Guidance at all.**

Here inevitably there can only be speculation but what might be some of the reasons for such a significant failure of due process? Was it because there was also an as-yet-unreported vote specifically affirming the “pastoral provision” rationale as the theological basis for proceeding and the two rationales were then found to be in tension? That would be understandable, even if the failure to acknowledge this situation publicly remains indefensible and the failure to explain this now inexplicable. If, however, there was no formal affirmation by the bishops of the pastoral provision rationale, but it was nevertheless used as the legal and theological basis for PLF, *rather than* the House’s clear decision that civil same-sex marriage does not contradict the Church’s doctrine, then the situation is even more serious. One possible justification for this might be that the vote was

subsequently judged to be procedurally irregular and so void, but then why now report it and not explain this? It may be that, despite it being passed, someone decided that it should nevertheless be set aside in practice. Perhaps this was because it clearly lacked sufficient theological or legal basis which raises major questions about the process in the House on 9th October. It may be because to accept it would require so much substantial reworking of the Pastoral Guidance (developed over the summer on a quite different basis) that it could not be implemented within the timeframe for General Synod. Although these possible scenarios could explain why the amendment was never revealed (or indeed leaked) until now but they potentially open up further serious questions about the processes.

Canon B5A

The only decision on 9th October that was announced and explained at the time was that to introduce standalone services through Canon B2 without using Canon B5A. As explored in some detail [here](#), [the Bishop of London explained that](#),

Having carefully considering [*sic*] the legal, theological and pastoral implications of possible approaches, the bishops concluded that it would ultimately be clearer to proceed directly to consideration under Canon B2.

The newly released discussion in Annex A of GS 2346, in particular the helpful table at pp. 12-13, presumably now gives a sense of the previously unexplained “legal, theological and pastoral implications” considered by the House although it is not made clear *when* the analysis published here was drawn up or at what time key people saw and considered it. Annex A also potentially explains why it was decided on 9th October not to use Canon B5A despite the strong indicative vote in favour of it at the College. This makes sense if the bishops were there not only strongly encouraged to reject the Canon B5A option by the Archbishop of Canterbury but informed that to take it had the serious disadvantages listed on p. 13 of GS 2346. These include either “medium to high risk of successful legal challenge” or “still considerable risk of successful legal challenge”.

While making sense of this shift away from B5A, this new information in GS 2346 also raises a number of significant questions [similar to those I previously identified](#):

- Why did the September College vote so strongly for Canon B5A given the analysis offered here? Or was it not granted, and did it not ask for, access to any of this analysis despite all the work done on routes for PLF since February’s motion?
- Why was none of this analysis provided in GS 2328 or a further paper to Synod or through the Bishop of London welcoming Clive Scowen’s amendment requesting the legal advice (“this need not require a delay. It is open to the bishops tonight to agree to share that advice, and we can read it overnight, sleep on it, and come back tomorrow and take a decision”, p. 228)? This is particularly important given its significance for the Bishop of Oxford’s amendment seeking to reverse the decision of the House and restore Canon B5A.
- Why, given all the new and relevant information provided here, did the Bishop of London (when asked to provide more legal advice) tell the November Synod, “nothing is being hidden” and “what you have in GS 2328 is the legal foundation upon which we have given you the decisions”?
- Why, given the analysis offered here in GS 2346, did so many members of the House who had presumably seen it, change their mind and support the Oxford amendment and ignore the legal analysis and risk assessment?
- Why did the Bishop of London explain in answer to Peter Barrett that the reason for the Oxford amendment after the publication of GS 2328 was that “further clarity has been that,

actually, you could run experimental services alongside the B 2, which is where the amendment comes from”? Does that mean the Legal Office only realised this was a possibility and provided the analysis now in Annex A of GS 2346 some time after the House met on October 9th and decided against using Canon B5A?

- Why was the Synod informed that moving from “Canon B5A followed by B2” to “Canon B5A overlapping with B2” would have the advantage of making standalone services “available quickly” compared to using B2 but not informed of such significant disadvantages as “contestable use of the Canons” and “Medium to high risk of successful legal challenge” (p. 13)?

Conclusion: Really radical reset required

As with my other recent attempts to look back and make sense of the chaos of the LLF/PLF process particularly in the latter half of 2023, this first reading trying to make sense of the significant new information just released in GS 2346 is certainly incomplete (hence some clearly very speculative observations) and likely in places not wholly accurate. Any further information, corrections or alternative interpretations will be very gratefully received.

What is, however, now irrefutably correct, is the claim of Bishop Paul Williams during the November General Synod debate:

Appealing now to the benefits of a more iterative process only increases the confusion, while leaving, clearly, a good number here concerned that something more is being hidden. I am compelled to, respectfully and very regrettably, say that I cannot agree with the opinion that nothing that might be useful to this Synod is simply not being withheld. I believe that there are a number of things - discussions, decisions and advice that we have received in the House - that would be useful to the Synod, and important for its work at this time, but that is held behind SO 14 (p. 236).

It is also now clear that Alianore Smith was wise to warn as the debate drew to a close:

As a new member of the House of Laity, I am standing against this motion because it does not seem wise or prudent to vote on something as important as this when there is incomplete Pastoral Guidance and a lack of transparency around legal advice...To ask for the Synod to vote on a half-baked incomplete piece of work which is, from the papers that I have seen, theologically, pastorally and legally ambiguous, is disrespectful and dangerous. If we are to be able to vote in good conscience on such a matter as this we must have all the information. We have not been given the chance to fully understand the implications of what we are voting on. This is wrong. If I were to vote for this motion, I could not in good conscience go back to the laity of my diocese, who I am here to represent, and say that I fully knew and understood what I was voting for and its implications. This is not about delaying. This is about clarity, integrity and good process. This is about unity. This is about respecting those we have been elected to represent. Because process matters. Clarity matters. That is why I will be voting against this motion. I ask my fellow representatives here to do the same. We know we disagree theologically. That is obvious to everyone, even someone whose first Synod it is. But whatever we decide, we should do so with everyone having all the relevant information (pp. 291-2).

What is alarming is that as more information becomes available, the more deeply concerning the whole situation becomes in terms of the process’ fitness for purpose and its integrity and the integrity of the church leaders overseeing it. In particular, the extent of apparent disregard for law

Andrew Goddard, 13th February 2024.

and theology, contemptuous attitude to General Synod, and disregard not only for the Pastoral Principles but for the importance of telling “the truth, the whole truth, and nothing but the truth” is alarming. These failings have combined with mismanagement, rushed decision-making, and an apparent conviction that “the end justifies the means” to produce decisions and actions which have at times upset those who are more conservative and at times upset those pressing for change.

In any form of public leadership we expect evidence of adherence to [the Nolan Principles](#) of public life: selflessness, integrity, objectivity, accountability, openness, honesty and leadership. We know that all Christian leaders and structures fall short of embodying the way of Christ but we should expect Christian leadership to embody good practice in relation to these principles. It would, however, now appear that, as is also evident in other areas of the church’s life, most notably and disturbingly, safeguarding, these principles have almost totally vanished from view within the LLF/PLF process. Given this, the decision that the it needs a “reset” and cannot simply carry on as before is unsurprising. In fact, it would appear that the process, and the Church of England more widely, needs to be a much more radical and wide-ranging “reset” than that which is currently being proposed.