
Church Synod Liturgy Committee report 2009:2

Wedding and Marriage

Summary

This report deals with Church Board Official Communication KsSkr 2009:6, *Wedding and Marriage*, together with ten motions that were submitted on account of the Communication. The Church Board proposes that the Church Synod adopts amendments to the Church Ordinance whereby marriage can apply to same-sex couples as well as to opposite-sex couples. The Board further proposes that instructions for the marriage service, in the case of same-sex couples, shall constitute a supplement to the Service Book. Finally the Board proposes that it be mandated to apply to the Legal, Financial and Administrative Services Agency for the right for the Church of Sweden to perform marriages.

The motions oppose these proposals with reference to, for example, the traditional understanding of marriage and the responsibility for ecumenical relationships. Some motions propose that a civil authority shall be accountable for the legal aspect of every act of marriage.

The Committee notes that the Church of Sweden has for a long time been active in taking responsibility for same-sex relationships and has taken great responsibility in the social context as well as in church matters. Like the Church Board, the Committee wants to emphasise that the Church of Sweden houses different understandings of marriage. The nature of this issue is not such that it should lead to division either within the church or in different church fellowships. We want to be able to see one another with loving respect and meet as brothers and sisters in Christ, notwithstanding our divergent positions on this matter. The Committee's experience of the work on this report is that this is possible, sometimes demanding and above all rewarding.

The Committee's majority affirms the Church Board Communication and supports its proposals in their entirety. Attached to the report are five reservations from the members who do not concur with the majority's conclusions, as well as three separate statements from an alternate.

The Doctrine Commission, the Ecumenism Committee and the Canon Law Committee have commented on the report and some of the motions.

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The Committee's proposals for Church Synod decisions

1. The Church Synod decides in the matter of the Church Ordinance (SvKB 1999:1) to adopt the Church Board's proposed amendments to the Church Ordinance in accordance with Official Communication KsSKr 2009:6 item 1.
2. The Church Synod decides that the instructions in Church Board Official Communication KsSKr 2009:6 annex 1 shall constitute a supplement to the Church of Sweden Service Book in accordance with KsSKr 2009:6 item 2.
3. The Church Synod mandates the Church Board to apply to the Legal, Financial and Administrative Services Agency for the right for the Church of Sweden to perform marriages in accordance with KsSKr 2009:6 item 3.
4. The Church Synod rejects motion 2009:26 item 1.
5. The Church Synod rejects motion 2009:26 item 2.
6. The Church Synod rejects motion 2009:27.
7. The Church Synod rejects motion 2009:28 item 1.
8. The Church Synod rejects motion 2009:28 item 2.
9. The Church Synod rejects motion 2009:34.
10. The Church Synod rejects motion 2009:39 item 1.
11. The Church Synod rejects motion 2009:39 item 2.
12. The Church Synod rejects motion 2009:39 item 3.
13. The Church Synod rejects motion 2009:40.
14. The Church Synod rejects motion 2009:44 item 1.
15. The Church Synod rejects motion 2009:44 item 2.
16. The Church Synod rejects motion 2009:50.
17. The Church Synod rejects motion 2009:72 item 1.
18. The Church Synod rejects motion 2009:72 item 2.
19. The Church Synod rejects motion 2009:72 item 3.
20. The Church Synod rejects motion 2009:95 item 1.
21. The Church Synod rejects motion 2009:95 item 2.
22. The Church Synod rejects motion 2009:95 item 3.
23. The Church Synod rejects motion 2009:95 item 4.
24. The Church Synod rejects motion 2009:95 item 5.
25. The Church Synod rejects motion 2009:95 item 6.
26. The Church Synod rejects motion 2009:95 item 7.
27. The Church Synod rejects motion 2009:95 item 8.

The Communication's proposals

Church Board Official Communication 2009:6 Wedding and Marriage

1. The Church Synod decides in the matter of the Church Ordinance (SvKB 1999:1) to adopt the Church Board's proposed amendments to the Church Ordinance as set out below.
2. The Church Synod decides that the instruction in Annex 1 to this report shall constitute a supplement to the Church of Sweden Service Book.
3. The Church Synod mandates the Church Board to apply to the Legal, Financial and Administrative Services Agency for the right for the Church of Sweden to perform marriages.

Proposals in motions

Motion 2009:26, Dag Sandahl and Bertil Murray, Ecumenical deliberations on wedding and marriage

1. The Church Synod rejects Church Board Communication 2009:6.
2. The Church Synod instructs the Church Board, before any new communication on wedding and marriage is submitted to the Church Synod, to carry out the ecumenical consultations to which the Church of Sweden is committed.

Motion 2009:27, Lennart Sacrédeus and Karl-Gunnar Svensson, Church of Sweden's renunciation of the right to perform marriages

The Church Synod instructs the Church Board to inform the Government that the Church of Sweden wishes to renounce its right to perform marriages.

Motion 2009:28, Lennart Sacrédeus and Karl-Gunnar Svensson, Church of Sweden's understanding of marriage with reference to the Lutheran World Federation and the Porvoo Churches

1. The Church Synod decides that the Church of Sweden abides by the general Christian understanding of marriage as reserved for the relationship between one man and one woman.
2. The Church Synod decides that prior to 2012 the Church of Sweden shall not make any decision that would be contrary to commitments in the Lutheran World Federation and the Porvoo Churches concerning marriage and homosexuality.

Motion 2009:34, Bertil Murray and Jan-Anders Ekelund, Marriage

The Church Synod instructs the Church Board promptly to examine the question of whether it is possible jointly to harbour two understandings of marriage, of which one accords with what Sweden's Riksdag has decided but runs counter to the broad understanding in Christianity, while the other runs counter to the Riksdag's understanding but accords with the overwhelming Christian majority.

Motion 2009:39, Nils Gårder, Wedding and marriage

1. The Church Synod decides that the Church of Sweden shall not apply to the Legal, Financial and Administrative Services Agency for the right to perform marriages.
2. The Church Synod instructs the Church Board to re-address the Church Synod with proposed amendments to the Church Ordinance (SvKB 1999:1) whereby it is evident that validation of marriage vows is performed by a civil authority and that a separate form of divine service is provided for couples who have married.
3. The Church Synod instructs the Church Board to re-address the Church Synod with proposed amendments to the Church of Sweden Service Book whereby the order for the Marriage Service is rescinded and a new order is introduced for a divine service for couples who have married.

Motion 2009:40, Torbjörn Lindahl and Jan-Anders Ekelund, Extended concept of marriage and the right to perform marriages

The Church Synod rejects the Church Board's proposals in Official Communication 2009:6.

Motion 2009:44, Erna Arhag, Wedding and marriage

1. The Church Synod decides that the Church of Sweden shall not apply to the Legal, Financial and Administrative Services Agency for the right to perform marriages.
2. The Church Synod decides in the matter of the Church Ordinance (SvKB 1999:1) to adopt amendments whereby it is evident that validation of marriage vows is performed by a civil authority and that a separate form of divine service is provided for couples who have married, and decides to amend the Church of Sweden Service Book accordingly.

Motion 2009:50, Fredrik Sidenvall and Joakim Svensson, Marriage and confession

The Church Synod rejects the Church Board's proposals under items 1 and 2 in Official Communication 2009:6 because they manifestly contravene the confession of the Church of Sweden and thereby also Chapter 1 §1 of the Church Ordinance.

Motion 2009:72, Carina Etander Rimborg, Wedding and marriage

1. The Church Synod decides that the Church of Sweden shall not apply to the Legal, Financial and Administrative Services Agency for the right to perform marriages.
2. The Church Synod instructs the Church Board to re-address the Church Synod with proposed amendments to the Church Ordinance (SvKB 1999:1) whereby it is evident that validation of marriage vows is performed by a civil authority and that a separate form of divine service is provided for couples who have married.
3. The Church Synod instructs the Church Board to re-address the Church Synod with proposed amendments to the Church of Sweden Service Book whereby the order for the Marriage Service is rescinded and a new order is introduced for a divine service for couples who have married.

Motion 2009:95, Ola Isacson, Wedding – a proposed compromise

1. The Church Synod instructs the Church Board to continue the theological deliberation of the Church of Sweden's understanding of marriage, with particular reference to its relationship with society's understanding of marriage.
2. The Church Synod decides that the deliberation mentioned in item 1 is undertaken both within the Church of Sweden and in dialogue with the Porvoo Churches, and that particular consideration is paid to the concept Lutheran tradition.
3. The Church Synod rejects item 1 in Church Board Official Communication 2009:6 as regards amendments to the preamble to Chapter 23 of the Church Ordinance.
4. The Church Synod rejects item 2 in Church Board Official Communication 2009:6.
5. The Church Synod decides to insert a paragraph in Chapter 23 of the Church Ordinance as follows: "The Church Board is entitled to issue provisions about the formation and use of the order of marriage for same-sex couples."
6. The Church Synod instructs the Church Board, on the basis of the order for the blessing of civil unions, to draw up an order of wedding for same-sex couples without using the concept "marriage" in this order.
7. The Church Synod instructs the Church Board to return with proposed amendments to Chapter 23 of the Church Ordinance.
8. The Church Synod instructs the Church Board, within the framework for the ongoing work on the Service Book, to consider, appraise and draw consequences from references to Lutheran understanding and tradition in Church Board Official Communication KsSkr 2009:6.

Responses from the Doctrine Commission

The Doctrine Commission has submitted comments on Church Board Official Communication 2009:6 as well as on motions 2009:26, 2009:27, 2009:28, 2009:34, 2009:39, 2009:40, 2009:44, 2009:50, 2009:72 and 2009:95. Comment Ln 2009:12y is appended in *Annex 1*.

Responses from other committees

The Ecumenism Committee has submitted comments on Church Board Official Communication 2009:6 as well as on motions 2009:26, 2009:28 and 2009:95. Comment Eu 2009:3y is appended in *Annex 2*.

The Canon Law Committee has submitted comments on Church Board Official Communication 2009:6. Comment Kr 2009:3y is appended in *Annex 3*.

The Canon Law Committee has also submitted comments on motion 2009:95. Comment Kr 2009:6y is appended in *Annex 4*.

Background

The Church Board's Communication

Church Board Official Communication 2009:6, *Wedding and Marriage*, deals with matters concerning the Church of Sweden's right to perform marriages and the wedding of same-sex couples. The Church Board proposes to the Church Synod that the Church of Sweden uses the opportunity that the law affords of continuing to perform marriages and that the Church of Sweden should also marry same-sex couples.

It is proposed that the Church Synod instructs the Church Board to apply to the Legal, Financial and Administrative Services Agency for the right for the Church of Sweden to perform marriages, to adopt requisite amendments to the Church Ordinance and to prescribe instructions for how the Service Book's order for the Marriage Service is adapted in cases where couples are of the same sex. A further proposal is that the Church Synod decides concerning applications for appointments as marriage officiants for all ordained ministers in the Church of Sweden.

The motions

Motions 2009:26 and 2009:40 propose respectively that the Church Synod rejects Church Board Official Communication 2009:6 and rejects the proposals therein.

Motion 2009:50 proposes that the Church Synod rejects the proposals in items 1 and 2 of Communication 2009:6. Motion 2009:95 proposes the rejection of item 1 of the Communication, as regards amendments to the preamble to Chapter 23 of the Church Ordinance, as well the rejection of item 2 of the Communication. The motion also proposes the insertion of a new paragraph in Chapter 23 of the Church Ordinance and that the Church Board returns with proposed amendments to this chapter.

Motion 2009:27 proposes that the Church Synod instructs the Church Board to inform the Government that the Church of Sweden wishes to renounce its right to perform marriages. Motions 2009:39, 2009:44 and 2009:72 propose that the Church of Sweden shall not apply to the Legal, Financial and Administrative Services Agency for the right to perform marriages. These three motions also propose amendments to the Church Ordinance whereby it is evident that validation of marriage vows is performed by a civil authority and that a separate form of divine service is provided for couples who have married.

Motions 2009:39 and 2009:72 propose that the Church Board is instructed to submit propose amendments to the Service Book whereby the order for the Marriage Service is rescinded and a new order is introduced for a divine service for couples who have married. Motion 2009:95 proposes that the Church Board is instructed to draw up an order of wedding for same-sex couples without using the concept “marriage”. The motion also proposes that the work on the Service Book shall consider, appraise and draw consequences from references to Lutheran understanding and tradition in Church Board Official Communication KsSkr 2009:6.

Motion 2009:28 proposes that the Church Synod decides to abide by the understanding of marriage as reserved for the relationship between one man and one woman.

Motion 2009:34 proposes a decision whereby the Church Board is instructed to examine the question of whether it is possible jointly to harbour two understandings of marriage. Motion 2009:95 proposes that the Church Board is instructed to continue the theological deliberation of the Church of Sweden’s understanding of marriage, both within the Church of Sweden and in dialogue with the Porvoo Churches, with particular consideration of the concept Lutheran tradition.

Motion 2009:26 proposes that the Church Synod instructs the Church Board to carry out the ecumenical consultations to which the Church of Sweden is committed before any new communication on wedding and marriage is submitted to the Church Synod. Motion 2009:28 proposes that the Church Synod decides that prior to 2012 the Church of Sweden shall not make any decision that would be contrary to commitments in the Lutheran World Federation and the Porvoo Churches.

New Marriage Code

On 1 April 2009 the Swedish Riksdag enacted a new Marriage Code in accordance with the Civil Affairs Committee’s report 2008/09 CU19: *Gender-neutral Marriage and Wedding Issues*. The new Code took effect on 1 May 2009. The crucial change is that same-sex couples are now also included in the institute and concept of marriage. The law on partnerships has ceased to apply, which means that such unions can no longer be registered, though couples in an existing registered partnership can choose between continuing as such and transforming their union into marriage.

For the Church of Sweden, the other major change is that, like other churches and communions, the Church of Sweden must apply for the right to perform marriages and for the appointment of its marriage officiants. Ordained ministers of the Church of Sweden are competent to perform marriages in accordance with transitional regulations up to 1 May 2010.

Marriage officiants are not duty-bound to marry those who so wish.

Previous Church Synods

Issues to do with cohabitation, wedding and marriage have been deliberated by the Church Synod annually in the 21st century apart from in 2004. For the 2008 Synod the Liturgy Committee considered motion 2008:67 *Bible-reading in the marriage service*, for instance. In 2007 the Committee drafted three reports on these matters: G 2007:5 *Church of Sweden’s right to perform marriages*, G 2007:6 *Deeper theological reflection on cohabitation* and G 2007:7 *Marriage – a picture of our relationship with God*. A motion about theological reflection on cohabitation was also considered in 2006: G 2006:2 *Theological reflection on cohabitation issues*. Church Board Official Communication KsSkr 2005:9 *Cohabitation Issues* and four motions referring to this were treated at the 2005 Synod. In 2003, six motions were considered in report G 2003:2 *Wedding, marriage*

and civil union. The Church Board's Communication was considered in 2002 together with five motions in report KI 2002:1, *The Church and homosexuality*, from the General Synod's Standing Committee on Church and Society. In 2001, one motion in report TU 2001:6, *The Church of Sweden and homosexuality*, from the Church Synod's Standing Committee on Oversight and Mission, and another in report G 2001:2, *Marriage of homosexuals*, from the Liturgy Committee, were deliberated. In 2000 there were corresponding proposals in report G 2000:2 *Marriage of homosexuals*.

The treatment of these subjects before the turn of the century in what was then the General Synod and the Representative Synod is described in, for instance, the reports and Communications that have been presented to the Church Synod.

Amendments to the Church Ordinance

In its Communication, the Church Board proposes that the Church Synod makes amendments to three chapters of the Church Ordinance: the preamble, §2 and §4 of Chapter 23 *Marriage and blessings*, §8 of Chapter 42 *Fees and collection*, and §2 of Chapter 56 *Parish registration and other registers*.

Marriage and blessing

In the preamble, the Church Board proposes that the words "the woman and the man" are replaced in two places by the words "two persons" and "the pair mutually", respectively. Moreover, a new text is proposed in the preamble to declare the purpose of marriage and what is constitutive of marriage.

In that the Partnership Act no longer applies, an amendment is also proposed to the final paragraph of the preamble, which the 2007 Church Synod decided.

The Service Book's order for the Marriage Service

The Church Board proposes that its Communication's Annex 1, *Supplementary instructions to the Service Book's order for the Marriage Service*, shall constitute a supplement to the Church of Sweden Service Book. The instructions specify the adaptations of the order of marriage that are made in cases of same-sex couples and for the blessing of civil marriages of same-sex couples. The Communication's Annex 2, *Order of marriage*, explains how the order of marriage is formed in practice in accordance with the instructions in Annex 1.

A large majority of the consultative responses considered that in principle the Church of Sweden shall have a single order of marriage.

One reservation concerning the Doctrine Commission's opinion states that the proposed order of marriage "ended up as a uniform, gender-neutral order for all wedding couples, regardless of gender".

However, the Church Board's proposal simply entails supplementing the current Service Book with instructions for weddings of same-sex couples.

Motions 2009:39, 2009:44 and 2009:72 propose having a separate form of divine service for couples who have married. Consequently, motions 2009:39 and 2009:72 propose that the Church Board should be instructed to propose an amendment to the Service Book whereby the order for the Marriage Service is rescinded and a new order is introduced for a divine service for couples who have married.

Motion 2009:95 proposes that the Church Synod decides to insert the following paragraph in Chapter 23 of the Church Ordinance: "The Church Board is entitled to issue provisions about the formation and use of the order of marriage for same-sex couples." The motion proposes the drafting of an order of marriage for same-sex couples without resorting to the concept "marriage". This should start from the order for the

blessing of registered partnerships. In this connection the motion proposes that the Church Board is instructed to submit proposed amendments to Chapter 23 of the Church Ordinance. Furthermore, it proposes that in the ongoing work on the Service Book, the Church Board is instructed “to consider, appraise and draw consequences from references to Lutheran understanding and tradition in Church Board Official Communication KsSkr 2009:6”.

The concept of marriage

A government report, *Marriage for Same-sex Couples – Wedding Issues* (SOU 2007:17), presented in March 2007, proposed that the word “marriage” should also be used for the relationship between same-sex couples. The Church Board’s consultative response – based on requested opinions from every diocesan chapter and diocesan board, as well as from the Association of Parishes within the Church of Sweden and from Church of Sweden Youth – asserted that the word “marriage” should continue to be used only for the relationship between one man and one woman. This opinion did not have any impact on the Government Bill. The new Marriage Code stipulates that the word “marriage” includes same-sex couples as well as opposite-sex couples.

In Official Communication KsSkr 2009:6, the Church Board notes that in the Lutheran tradition, marriage is a part of the secular order and has nothing to do with salvation. The Board also considers that those who want to reserve the concept of marriage for the relationship between one woman and one man must now determine whether the new Marriage Code is of such significance that the Church of Sweden shall refrain from applying for the right to perform marriages.

In its response, the Doctrine Commission states that it is possible to accept same-sex marriage and has no objections to the Board’s proposals.

The content of marriage has not been static throughout history. It has, however, been presented like that in various ages and contexts. This is a reminder that marriage, along with, for example, race, nation and birth, has been perceived as an immutable or fixed order of creation. The Doctrine Commission therefore wishes to stress the importance of ongoing reflection on issues of cohabitation. It is important, however, that this ongoing reflection does not prevent the church from making specific decisions. At the same time there is a risk that in its order of marriage the church implicitly presupposes that the form of marriage we have in our day is just what God wants.

The Doctrine Commission goes on to note that in the Church of Sweden there are different opinions about this.

The reservations to the Doctrine Commission’s statement consider that “Marriage signifies a union of man and woman” and “From the beginning, marriage has been part of the faith, confession and doctrine of the Christian church. While this is not a matter that pertains to people’s salvation, marriage is nevertheless one of the areas of the doctrine that has been significant as an aspect of the church’s understanding of our lives as human beings and Christians.”

Motion 2009:28 wants “the Church of Sweden to abide by the general Christian understanding of marriage as reserved for the relationship between one man and one woman”. It also declares that “The way in which God instituted marriage was fundamental in that He created us as man and woman and let procreation – as a single function – be shared by two bodies”.

In motion 2009:40, *Extended concept of marriage and the right to perform marriages*, which proposes that the Church Synod rejects the Church Board’s proposals, the arguments for this include that “the Bible gives no other legitimate grounds for being one flesh than within marriage between man and woman. Sexual activity outside

heterosexual marriage goes against the basic plan that exists in the Creation ... God has not changed His basic plan for human sexuality.”

G 2009:2

Motion 2009:50 considers that if the Church Board’s proposals were adopted, “there would be a conflict with the Church of Sweden’s Lutheran doctrine”. This is motivated with passages from the Large Catechism and its discussion of the sixth commandment.

Motion 2009:34 states that “the earlier unity in the Church of Sweden about the understanding of marriage has been lost”, considers that “this fragmented and incompatible understanding of marriage will be manifested in an equally fragmented preaching and teaching” and proposes that the Church Board is instructed to examine how the church can harbour two conflicting conceptions.

Motion 2009:95 argues that “the Church Board separates Luther’s understanding of marriage as a social order from the consequences of this understanding” and proposes that the Church Board is instructed “to continue the theological deliberation of the Church of Sweden’s understanding of marriage, with particular reference to its relationship with society’s understanding of marriage”.

The right to perform marriages

The Church Board proposes that it be mandated to apply to the Legal, Financial and Administrative Services Agency for the right for the Church of Sweden to perform marriages. In its consultative response to the Government report *Marriage for Same-sex Couples – Wedding Issues* (SOU 2007:17), the Church Board considered that the arguments in favour of retaining this right outweighed the arguments against. The Board therefore supported the enquiry’s proposal to maintain the system with freedom to choose between marriage in a faith community and civil marriage. A majority of the consultative responses prior to the Church Board’s response recommended retaining the right to perform marriages.

In its Communication, the Church Board recalls that the 2003 Church Synod instructed the Board to notify the Government that the Church of Sweden wanted it to remain possible for marriage to be either ecclesiastical or civil.

The Doctrine Commission notes that the question of whether or not the Church of Sweden desires to retain the right to perform marriages must be decided at this autumn’s Church Synod, otherwise the right will expire. The Commission refers to its consultative response Ln 2007:1y, in which it states that on doctrinal grounds it is possible both to retain the right to perform marriages and to abstain from it.

A reservation to the consultative response states that an “order whereby the civil legal registration preceded the religious rite [would] demonstrate the division of roles and responsibilities between church and state that is natural in our tradition and which lies in the distinction between spiritual and temporal regimes”.

Seven of the ten motions that are considered in this report contain proposals whose import is that the Church of Sweden shall not apply for the right to perform marriages. Their arguments are of three kinds, starting respectively from the understanding of marriage, the opinion that the church ought not to undertake the legal assignment, and responsibility for ecumenical relationships.

The legal assignment

In *Bill 2008/09:80 Marriage issues*, the Government presents the following historical account of the legal assignment:

In earlier times marriage was arranged by agreement between the man’s and woman’s families. The agreement included a number of legal acts, of which the most important were the betrothal, wedlock (Swedish: *giftermålet*, where *mål* stands for the speech whereby the guardian handed

the woman over to the man), and bedding. In time, Christian influence led to the introduction of church marriages in Sweden, though for a long period people could choose between marrying in church or in accordance with the earlier tradition. Not until 1734 did a church wedding become a precondition for a legally valid marriage. This requirement was backed by religious arguments but it also had practical and administrative advantages. Previously, the form of marriage was often so vague that many couples believed they were legally married when this was not the case, while others found they were legally married without being aware of this. The new order put an end to such uncertainties.

The possibility of an order of civil marriage was developed in the course of the late 19th century; today's system, with a general choice between a civil and a church wedding, was finally adopted in 1908. The question of whether marriage should be an entirely civil arrangement which couples who so wished could confirm with a separate ceremony, for instance with a religious content, was discussed at that time. While such an order was considered to give a clearer indication of marriage as a non-religious legal relationship, it was not introduced, above all on account of the practical drawbacks. It was only the Church of Sweden, at that time a part of the state, which was represented throughout the country, besides being accountable for population registration and other public administrative tasks.

In the early 1970s a proposal was considered whereby marriage would be contracted by notifying a public official (SOU 1972:41). It was envisaged that such notifications could be made to officials at certain authorities and to clergy. Couples who so wished could arrange a wedding or some other ceremony. The proposal was not adopted, however, partly because it was judged to run counter to the prescriptions in the 1962 UN Convention, which Sweden had ratified, for the forms for consent to, minimum age for and registration of marriage (SÖ 1964:29). Instead, the current form for civil marriage was simplified (see Government Bill 1973:32 pp. 101 f.). Neither did the reform in 2000 whereby the Church of Sweden was separated from the state occasion any change in the right to perform marriages.

Bill 2008/09:80 states that some forty religious communities have the right to perform marriages.

The Church Board's Communication refers to the Committee on Theology, which sees three possible alternatives for the church when the new Marriage Code takes effect:

1. Offer a choice between marriage and the blessing of civil marriage.
2. Offer only the blessing of civil marriage (which can then be designated differently in the blessing ceremony). This option corresponds to the current arrangement for blessing registered partnerships. It can be relevant if it is concluded that the Church of Sweden should not officiate at the wedding of same-sex couples because the broadened concept of marriage is perceived as running counter to the church's understanding of marriage, yet the church still wants to be able to bless the couple's relationship.
3. Also decline to offer the blessing of civil marriages on the grounds that the legal concept of marriage does not concur with the church's understanding of marriage.

The Church Board notes that the consultative responses contain strong support for marrying same-sex couples and that a majority of the responses regard doing so as positive or at least logical and consistent. Moreover, the Board notes that the church does not control legislation on marriage. Instead, the Church of Sweden has to relate to the Riksdag's decision. The Board refers to the Theology Committee's conclusions from

its assessment, namely “that there is reason on theological grounds for the Church of Sweden to accept the legislation passed by the state, whereby marriage will also encompass same-sex couples”. That the marriage of same-sex couples can be confirmed by a church wedding is considered by the Church Board to be a good social order for supporting people.

A reservation in this report considers that the Church of Sweden should not assume the exercise of authority that lies in sanctioning marriage vows.

The Doctrine Commission’s response notes that the gender-neutral Marriage Code raises the question of the relationship between church and state in the Lutheran tradition.

Confidence in the state is strong in this tradition on the grounds that God also works through the secular orders. However, this does not mean that the church shall uncritically affirm every secular order. In a multicultural society it also means that the church cannot expect that society is self-evidently arranged in accordance with church requirements. The Church of Sweden must constantly in every situation take an independent stand on current legislation and actively form its own actions in relation to this (cf. motions 2009:34 and 95).

A reservation to the response considers that if the Church of Sweden relinquishes the right to perform marriages she will “be free in relation to the state and thereby could also more readily perform the critical function in the doctrine of regimentation, properly understood”. In another reservation, the reason for proposing to relinquish the right to perform marriages is that for the first time a marriage code has taken effect without the church being involved as legislator. “Now that the state is enacting marriage laws on its own, it can be argued that marriage as a legal institution has also been secularised.”

Motion 2009:27 considers that “A free church must not allow itself to be transformed into an institution that is perceived as being tied to the apron strings of party politics and government.” The motion adds that if the Church of Sweden abstains from the right to perform marriages, that would both help to give the couple a better understanding of the legal aspects of marriage and enable the Church of Sweden to focus exclusively on marriage’s Christian and social significance.

Motion 2009:39 states that “An end to church weddings as a validation of marriage vows will not jeopardise people’s confidence in the church.”

In motion 2009:40, one of the arguments for the proposal to refrain from applying for the right to perform marriages is a fear that the state’s power to grant this right, which also entails state control of faith communities, will lead to conflicts about who should have the right. The motion also mentions the importance of clarifying the separate roles of the state and faith communities.

Motion 2009:44 considers that the change in the relationship between church and state in 2000 was a decisive step towards the termination of the Church of Sweden’s functions as a public authority and that such a function should not now be renewed.

Motion 2009:95 recalls Luther’s opinion that marriage should be performed by civil authorities and that it was inadequate civil functions which led to this task being assigned to the church.

Ecumenical relationships

The Church Board’s Official Communication includes an account of various ecumenical contacts in the past year in connection with the new Marriage Code.

The Communication has been translated into English, German and Spanish and will shortly be sent with an accompanying letter to the Church of Sweden’s partner churches in various parts of the world. English translations of, for example, the Theology Committee’s report *The Church and Homosexuality* and the report *Love, Cohabitation*

and Marriage from the hearing the Committee arranged in September 2004 have also been distributed to churches and ecumenical organisations.

In a letter to the Porvoo Churches at the end of May the Archbishop described the new law and the work of the Church of Sweden in this respect. Bishop Christopher Hill and Bishop John Hind replied in their respective capacities as chair of the Council for Christian Unity of the Church of England and chair of the Faith and Order Advisory Group of the Church of England. They state that the issues confronting the Church of Sweden are on their agendas, too, and hope for a continued and deeper dialogue in these matters. A Porvoo Communion theological conference, *Ethics and Communion*, in January 2008 discussed decision-making in ethical matters and its importance for church fellowships. The Porvoo Churches and their observers from the Danish and Latvian churches were invited to attend a consultation on issues of cohabitation that was arranged by the Theology Committee on 18–20 December 2006 in Sigtuna.

The leaders of the Nordic Lutheran churches meet regularly for consultations. In recent years an important matter for the Archbishop has been to inform these meetings about the Church of Sweden's work on issues of cohabitation and marriage. All the Nordic Lutheran bishops were informed about this work at their most recent meeting.

The Christian Council of Sweden has recently had an ongoing dialogue on cohabitation issues; this has included a seminar on marriage and cohabitation. The Free Church Council of Sweden was informed about the Church of Sweden's work on these issues in January 2005.

At the General Assembly of the Lutheran World Federation (LWF) in Winnipeg on 21-31 July 2003 the Swedish delegation raised the issue of homosexuality and the churches' understanding of same-sex love. In 2004 the LWF Council set up a Task Force to reflect on these matters biblically, historically and ethically, with particular reference to how different exegetic traditions and different ethical positions can be handled. The report *Marriage, Family and Human Sexuality* was presented when the extended Council assembled in Lund on 20–27 March 2007 to mark LWF's 50th anniversary. Its conclusions note the importance of the churches continuing to reflect on the extent to which issues of family, marriage and sexuality (including homosexuality) are considered to separate churches at the same time as the churches have managed to live in communion notwithstanding differences in their positions on questions of women's right to perform marriages, divorce and re-marriage, the use of contraceptives and partnerships. In LWF contexts, Archbishop KG Hammar and Archbishop Anders Wejryd, as well as delegates and officials who have represented the Church of Sweden, have since 2003 informed and talked with representatives of other churches about how the Church of Sweden has worked on cohabitation issues.

Two of the reservations to the Communication see ecumenism as a reason why the Church Synod should not adopt the Church Board's proposals.

The Doctrine Commission's response states that:

At the same time as the ecumenical relationships help us to safeguard our identity as a church, they also help us in the joint effort to express faith in our time.

The Church Board's proposals are an expression, not of ecumenical insensitivity, but of the Church of Sweden's earnest examination of what is the will of God in our situation. The ecumenical dialogue contains differences of opinion. Ethical standpoints do not necessarily separate churches.

Ecumenical responsibility is in two of the reservations an important reason why the Church of Sweden shall not apply for the right to perform marriages.

Among the motions, nos. 2009:26, 2009:28, 2009:39, 2009:72 and 2009:95 cite ecumenical responsibility as an important argument for not supporting the Church Board's proposals.

Motion 2009:26 proposes that the Church Board is instructed, "before any new Official Communication on wedding and marriage is submitted to the Church Synod, to carry out the ecumenical consultations to which the Church of Sweden is committed".

Motion 2009:28 proposes that "the Church Synod decides that prior to 2012 the Church of Sweden shall not make any decision that would be contrary to commitments concerning marriage and homosexuality that exist in the Lutheran World Federation and the Porvoo Churches."

Preparatory work in the Church of Sweden

The issues of homosexual cohabitation and the place of homosexuals in the church have been deliberated and investigated since 1972. In the 1970s the Church of Sweden was something of a forerunner in Swedish society. The Bishops Conference enquiry, reported in the book *The Church and Homosexuality* (1974), found overriding reasons why the church should support and affirm lasting homosexual relationships built on love and a will to lasting fidelity. It was not until 1979 that the National Board of Health and Welfare excluded homosexuality from its list of diseases. In the three decades since then, Swedish legislation has taken further steps to affirm the right of homosexuals to equal treatment in various respects.

Many of the more recent decisions within the Church of Sweden have concerned the consequences of secular rules and regulations. The decision that homosexuality per se cannot be a reason for being barred from officiating at marriages is linked to the law on discrimination. The Partnership Act (1995) led the Bishops Conference to formulate a memorandum on the blessing of registered partnerships. The Marriage Code that is effective as of 1 May this year raises questions about the Church of Sweden's orders, questions that the Church Synod has to resolve on this occasion.

The Church Board's Communication outlines the enquiries and the decisions that have been made up to now. When the Government presented a bill (2008/09:80 *Marriage Issues*) in November 2008, it could be presumed that a new law would take effect on 1 May 2009. The Church Board discussed the consequences of this at its meeting on 10 December 2008 (§150). The Central Church Office was instructed to draft the consultative response, with a proposal for an order of marriage that can be used for same-sex couples, accompanied by proposals for the related requisite amendments to the Church Ordinance. When the working committee had decided on the formation of the documents, these would be distributed to the dioceses for comments. The intention was to give the Church Synod a free hand and it was stressed that the Church Board had not adopted a position on the matter.

One of the reservations to the Doctrine Commission's response gives a different picture of the preparations as regards the document circulated for comments.

The Communication also describes the Theology Committee's work on the cohabitation issues.

The above-mentioned reservation criticises the fact that the Theology Committee contributed a memorandum, *Annex 3 The Theology Committee's assessments concerning marriage for same-sex couples*, to the Communication even though the Bishops Conference and the Church Board considered that the Committee had already completed its assignment on issues of cohabitation. When the Committee took up the question of its assignment at the Bishops Conference on 20 January 2009, the Bishops said that as far as they were concerned, the Committee's assignment could be considered completed. At a meeting on 11 February the Church Board's working committee called

on the Theology Committee to express an opinion about how the Church of Sweden should relate theologically to the proposed new Marriage Code. The Committee's deliberations were presented in a communication to the Church Board dated 21 April. At its meeting on 22–23 April the Church Board decided, in agreement with the Bishops Conference, to consider the Theology Committee's work with issues of cohabitation concluded. According to the secretary to the Committee, its written response was drafted with the aid of e-mails because that allowed more time for consultation and reflection than a regular meeting could do.

The Bishops Conference's task of voicing an opinion on the drafting of decisions in theological and ecumenical matters of sizeable importance (KO Ch 12 §3a) is often undertaken without the formulation of a formal statement. The Bishops Conference and the Church Board meet annually for joint deliberations on topical issues. In 2009, joint deliberations on account of the proposed new Marriage Code have been held in January and May. Church Board Official Communication KsSkr 2009:6 was presented at the Bishops Conference in May, the day before the joint deliberations. The Theology Committee, which the Church Board has instructed to prepare cohabitation issues, has repeatedly consulted the Bishops Conference about its work since 2002.

In its response, the Doctrine Commission notes that "Lack of time has made exceptional demands on the church's decision-making process. ... However, both the work of anchoring the decision and the work on the Church Ordinance and the Service Book will continue."

Three of the reservations to the response cite lack of time and the resultant shortcomings in the basis for a decision as a reason for not affirming the Church Board's proposals at present.

Fees and collection

In its Communication, the Church Board proposes amendments to §8 in Chapter 42 of the Church Ordinance. The Board proposes that the words *contracting parties* are replaced by *spouses*. As to which parish is to be accountable for a possible clearing fee for marriage, it is proposed that instead of this being in the first place the parish to which the *woman* belongs, it shall be the parish to which *the elder of the spouses* belongs. Consequently it is proposed that the parish to which the *man* belongs shall be replaced by the parish to which *the younger of the spouses* belongs.

Parish registration and other registers

The Church Board proposes an addendum to §2 in Chapter 56 of the Church Ordinance, stating that in the Church of Sweden there shall be registers that make it possible to apply for the authorisation of ordained clergy as marriage officiants.

Authorisation and obligation to perform marriages

The Church Board's proposals are such that, provided the Church of Sweden is accorded the right to perform marriages, applications for authorisation as a marriage officiant shall be made to the Legal, Financial and Administrative Services Agency. The application shall include everyone who is entitled to exercise the office of ordained clergy in the Church of Sweden. The diocesan chapters shall be responsible for notifying the Church Board as to which persons the application shall include. The Church Board shall be responsible for the transmission of this information to the Legal, Financial and Administrative Service Agency.

The Church Board also points out that no member of the clergy shall be obliged to officiate at a same-sex marriage. The Riksdag report *Marriage for Same-sex Couples* –

Wedding Issues (SOU 2007:17) states that a marriage officiant in a faith community is not under a statutory obligation to marry either a woman and a man or a same-sex couple who have the right to marry under the Marriage Code.

The Church Board considers that the application for authorisation as a marriage officiant should in principle include everyone who is entitled to exercise the office of ordained clergy in the Church of Sweden.

The content of the ministry of a priest is not something to be determined by the individual priest. ...

It is not a question of the individual priest determining whether he or she wishes to officiate at weddings; rather, an assessment must be made by the chapter in its supervisory capacity.

The Church Board also reports its deliberations on the need to regulate the right to abstain from performing a marriage. Some of the responses to the Church Board's proposals call for this. The Board underscores, however, that it is the Church of Sweden that applies for and is expected to be accorded the right and thereby the obligation to perform marriages. The Church of Sweden acknowledges that understandings of marriage can differ within the church. It is therefore fundamental that no member of the clergy shall be forced, against his or her personal conviction, to marry same-sex couples. Neither has there previously been any absolute obligation for clergy in the Church of Sweden to perform marriages. The experience of different attitudes among the clergy to the marriage of divorced persons shows that it has been possible to solve this.

The Church Board also considers the question of whether a marriage officiant who is against marrying same-sex couples is guilty of unlawful discrimination. The Board notes that:

For a wedding officiant in a faith community to be obliged to perform marriages in the cases concerned, it is necessary for the authorisation to conduct marriages to be associated with an obligation for the individual wedding officiant to conduct marriages.

A reservation to the Communication proposes an addendum to §2 in Chapter 23 of the Church Ordinance: "Anyone who considers that it conflicts with his or her personal conviction need not conduct a marriage service."

Motion 2009:34 considers that the Church Board does not attach sufficient importance to the problem of different attitudes among the clergy to performing marriages of same-sex couples. "The Board seems to mean that the matter can be handled by allowing the individual clergyperson to abstain. That is not the case."

The Committee's deliberations

Introduction

The Committee on Liturgy has had a discussion coloured by listening, respect and a will to remain parts of the same church, limbs of the same body, notwithstanding different positions on the proposals presented in the Church Board's Communication.

The fundamental issues concerning relationships for same-sex couples and their place in the church have been deliberated for many years. The Committee has taken a notably active part in this process by means of its responsibility in the Church Synod for drafting the numerous proposals of various kinds that have been presented. Such an assignment yields the knowledge and conditions for arriving at an independent position that are not self-evidently accessible to many members of the Church of Sweden. Digesting new information is not all that easy. Questioning what has previously been considered self-evident requires not only knowledge and access to relevant facts but also personal courage and an environment in which questions are allowed and thoughts can be exchanged without one's own identity being attacked. Changes in society can also involve personal changes, which can sometimes be painful. The Committee notes that

issues to do with same-sex relationships have been handled very differently in different parts of our church. The differences can have to do with different church and cultural traditions and contexts but also with differences between young and old, between city and rural life.

The preparation of this matter has been questioned and criticised – whether it has been sufficiently thorough and accommodated interested parties, both at parish level and in the ecumenical sphere. It is natural to think that the preparation of an issue should have been better, not least when the issue is complex and of decisive importance for the understanding of one's own identity and affiliation. The Doctrine Commission's response affirms that the matter could have been prepared further or in another way. This is also one of the starting points for the reservations to the Commission's response.

The Liturgy Committee notes that for several decades the Church of Sweden has moved ahead of the rest of society in taking responsibility for supporting same-sex couples. It is relevant to underscore the Church of Sweden's contributions to the dialogue on these matters in ecumenical contexts. The subject of the Church Board's Communication is the consequences of a decision by the Riksdag.

Amendments to the Church Ordinance

The Liturgy Committee's proposals:

1. The Church Synod decides in the matter of the Church Ordinance (SvKB 1999:1) to adopt the Church Board's proposed amendments to the Church Ordinance in accordance with Church Board Communication KsSkr 2009:6 item 1. The proposed amendments concern the preamble to and §§2 and 4 of Chapter 23 Marriage and Blessing, §8 of Chapter 42 Fees and Collection, and §2 of Chapter 56 Church Registration and Other Registers.
2. The Church Synod rejects motion 2009:28 item 1, which holds that marriage shall be reserved for the relationship between one man and one woman.
3. The Church Synod rejects motion 2009:34, which advocates instructing the Church Board to examine whether it is possible to harbour two understandings of marriage.
4. The Church Synod rejects motion 2009:40, which proposes the rejection of the Church Board's Communication.
5. The Church Synod rejects motion 2009:50, which proposes the rejection of items 1 and 2 in the Church Board's Communication.
6. The Church Synod rejects motion 2009:95 item 1, which amounts to instructing the Church Board to continue the theological deliberation on the Church of Sweden's understanding of marriage, particularly in relation to society's understanding of marriage.
7. The Church Synod rejects motion 2009:95 item 3, which proposes the rejection of item 1 in the Church Board's Communication concerning amendments to Chapter 23 of the Church Ordinance.
8. The Church Synod rejects motion 2009:95 item 5, which proposes the insertion of a new paragraph in Chapter 23 of the Church Ordinance.
9. The Church Synod rejects motion 2009:95 item 7, which implies instructing the Church Board to return with proposed amendments to Chapter 23 of the Church Ordinance.

In its Communication, the Church Board proposes that the Church of Sweden should also marry same-sex couples. As a consequence of this, amendments should be made to the Church Ordinance. In the preamble to Chapter 23 of the Church Ordinance, a moderate amendment is proposed that adapts the text to the new Marriage Code. The import is that wedding and marriage apply to same-sex couples as well as to opposite-sex couples. The Church Board notes that marriage has undergone various changes

throughout history and that the church does not control legislation on marriage. It is the mutual vows and a publicly expressed agreement that constitute marriage.

Motions 2009:40, 2009:50 and 2009:95 item 3 propose that the Church Synod wholly or partly rejects the Church Board's Communication. Motion 2009:95 item 5 proposes a new paragraph as follows: "The Church Board is entitled to issue provisions about the formation and use of the order of marriage for same-sex couples." Item 7 in the same motion proposes that the Church Board be instructed to return with proposed amendments to Chapter 23 of the Church Ordinance.

In response Kr 2009:3y, the Canon Law Committee considers that as far as canon law is concerned, the proposed amendments can be made. In response Kr 2009:6y to motion 2009:95 item 5, the Canon Law Committee points out that decisions about orders of divine service are a matter for the Church Synod and considers that it would therefore be inappropriate to delegate such a matter.

The Liturgy Committee finds it proper to adopt the Church Board's proposed amendments to the Church Ordinance so that wedding and marriage also apply to same-sex couples. Consequently the Committee proposes assent to the Church Board's proposals in this respect and the rejection of the above-mentioned motions. Four members of the Committee do not share the majority opinion and have tabled a reservation (Reservation 1).

What, then, is the theological foundation of marriage? This is a question which many argue has not been considered sufficiently in the preparation of the proposal for a decision that is now presented. The official position of the Church of Sweden was for a long time that the concept of marriage should be reserved for the relationship between one man and one woman. On the one hand, the new Marriage Code states that it is up to the various faith communities to decide their own understanding of the concept of marriage and how they wish to use the right to perform marriages. So the fact that the Riksdag has enacted a new Marriage Code is not in itself decisive for the Church of Sweden's decision. On the other hand, it is very clear that for many people, the theological work on this issue in recent years has led to new insights and an altered understanding. Marriage as a concept defines the mutual, life-long relationships that in many ways constitute a society's foundation stones. That the Church of Sweden has expressed a wish to support such relationships even for same-sex couples means that it must also be possible to include these couples in the concept of marriage.

Turning to bible theology, there are not many passages in the Bible that distinctly set out the grounds for the traditional marriage. The New Testament presents an ideal that involves living alone and refraining from living as a couple. Christ also points metaphorically to the risk inherent in a family that is unduly close or exclusive: "Who are my mother and my brethren?" Thus it is clear that the roots of marriage are considerably stronger in tradition than in Scripture. Moreover, Scripture is imbued with the notion that love is invariably supreme. Christ summarises the ethical core of belief in the dual commandment to love. Christ challenges all earthly love and in his love He gave His life so that the world shall live.

Marriage's roots in creation theology are for many people a decisive reason for not broadening the concept of marriage. The roots include the notion of male and female as complementary components of the image of God. "In the image of God created He her; man and woman created he them." Such reasoning raises both the question of whether those who live alone can be said to represent the image of God and the question of what so-called complementarity stands for. Opinions differ about this. Complementarity can refer to the biological function and the injunction to replenish the earth. The Doctrine Commission adds other perspectives and writes: "The Creation is multifaceted. We are created not just as man and woman but also with different attributes and drives."

The preamble to Chapter 23 of the Church Ordinance states that God unites the two as one. This can be interpreted biologically but other interpretations are also possible. It can constitute a picture of how God creates human partnerships in, by and through people's mutual attraction and commitments to lifelong fellowship and solidarity with future generations. When the two contracting parties express their will to live together, God unites them and gives them stability in their life together.

Motion 2009:28 wants marriage to be reserved for the relationship between one man and one woman. With reference to the argument above, the Liturgy Committee proposes that the motion be rejected.

What is the role of marriage today? An attempt to formulate the church's answer could run as follows: to marry is to express in the presence of God and other people a will to live together for the remainder of life, to be able to share what is good and what is hard, to have the courage to be honest and to acknowledge the vulnerability that is an inevitable aspect of human life. It is our human vulnerability that makes love essential; the love that gives us the opportunity of being seen by someone else, of being and becoming the person we are intended to be. Marriage is a sign, an expression and a way of living in the grace of God.

The Church of Sweden has been engaged in cohabitation issues for a long time and made considerable contributions. The dialogue on the content of marriage is of more recent date. It is very important that these discussions continue and become deeper. However, they must always start from where things stand at present. Starting-points differ greatly between individuals and groups. There is therefore a need of numerous dialogues of different kinds and on different issues. But just because of the differences in the preconditions for a dialogue, there is above all a need of respect and understanding.

Motion 2009:34 proposes that the Church Board is instructed to examine the possibility of harbouring two different understandings of marriage. The Church Board writes: "there are theological arguments both for and against broadening the concept of marriage to also include same-sex couples. The Church Board considers that both these positions are compatible with the Church of Sweden's confession and doctrine." The Liturgy Committee's opinion is therefore that 2009:34 can and shall be rejected.

Motion 2009:95 item 1 proposes that the Church Board is instructed to continue the theological deliberation of the Church of Sweden's understanding of marriage, particularly in relation to the secular understanding of marriage. The Liturgy Committee refers to the Church of Sweden's long-standing work on the theological processing of cohabitation issues and considers that there is now no reason for a specific assignment about this. The Committee proposes that motion 2009:95 item 1 is rejected.

The Service Book's order for the Marriage Service

The Liturgy Committee's proposals:

1. The Church Synod decides that the instructions in Church Board Communication KsSkr 2009:6 Annex 1 shall constitute a supplement to the Church of Sweden Service Book in accordance with KsSkr 2009:6 item 2.
2. The Church Synod rejects motion 2009:39 item 3, which would entail instructing the Church Board to return with proposed amendments to the Service Book whereby the order for the Marriage Service is rescinded and a new order is introduced for a divine service for couples who have married.
3. The Church Synod rejects motion 2009:72 item 3, which makes the same proposal as motion 2009:39 item 3.
4. The Church Synod rejects motion 2009:95 item 4, which rejects item 2 of the Church Board's Communication.

5. The Church Synod rejects motion 2009:95 item 6, which proposes that an order of marriage for same-sex couples is drafted without using the word “marriage”.
6. The Church Synod rejects motion 2009:95 item 8, which proposes an assignment, within the framework for the ongoing work on the Service Book, to consider, appraise and draw consequences from references to Lutheran understanding and tradition in Church Board Official Communication KsSkr 2009:6.

Another consequence of the decision to amend the Church Ordinance is that the order of marriage needs to be revised so as to express the broadened application of the concept of marriage. During the drafting process, the original proposal with two parallel orders has been replaced by a proposal to have supplementary instructions to the current order of marriage in the event of same-sex couples. The ongoing work on the Service Book includes the task of revising the orders for church services. When the time comes to consider the order of marriage, a natural aim will be to have only one order for the Marriage Service.

There is always a risk of spending a lot of energy on questions of form and considerably less, not enough, on questions of content. It is important to illuminate the issue of what actually happens in the Marriage Service, for instance by asking: What do we mean by “God unites”? What is the evangel of marriage? If the criteria for a marriage are also met in a registered partnership, what is the difference?

The Liturgy Committee has no objection to the Church Board’s proposed supplementary instructions and proposes that the Church Synod approves item 2 in the Church Board’s Communication. Four members of the Committee are against this (Reservation 1). As a consequence of a majority of the Committee being in favour of retaining the order of marriage, the Committee proposes that the Church Synod rejects motions 2009:39 item 3 and 2009:72 item 3.

The legal provisions for marriage are regulated in Chapter 4 of the Marriage Code. §2 states that:

At the marriage ceremony, those who are to marry shall be present at the same time. Each of them separately shall, in response to a question put to them by the person solemnising the marriage, make it known that they consent to the marriage. The person solemnising the marriage shall thereafter declare them to be spouses.

If the ceremony is not conducted as provided in the first paragraph or if the person solemnising the marriage is not authorised to do so, the ceremony shall be void as a marriage ceremony.

Thus, under the Code a marriage is not legally valid if it is performed without using the word “marriage”. For this and other reasons the Committee proposes that motion 2009:95 item 6 is rejected.

The Marriage Service is included in the assignment for the ongoing revision of the Service Book. The Committee finds no reason to add any further definition of this assignment, which motion 2009:95 item 8 proposes. The Committee proposes the rejection of this item in the motion.

The right to perform marriages

The Liturgy Committee’s proposals:

1. The Church Synod instructs the Church Board to apply to the Legal, Financial, and Administrative Services Agency for the right for the Church of Sweden to perform marriages in accordance with KsSkr 2009:6 item 3.
2. The Church Synod rejects motion 2009:27, whereby the Church Board would notify the Government that the Church of Sweden desires to relinquish the right to perform marriages.

3. The Church Synod rejects motion 2009:39 item 1, whereby the Church of Sweden would not apply to the Legal, Financial, and Administrative Services Agency for the right to perform marriages.
4. The Church Synod rejects motion 2009:39 item 2, which advocates that marriage vows would be validated by a civil authority and that there would be a separate marriage service for couples who have married.
5. The Church Synod rejects motion 2009:44 item 1, which proposes the same as motion 2009:39 item 1.
6. The Church Synod rejects motion 2009:44 item 2, which proposes the same as motion 2009:39 item 2.
7. The Church Synod rejects motion 2009:72 item 1, which proposes the same as motion 2009:39 item 1.
8. The Church Synod rejects motion 2009:72 item 2, which proposes the same as motion 2009:39 item 2.

The Church Synod has previously decided and on several occasions expressed its will that the Church of Sweden retains the right to perform marriages. In its Communication, the Church Board declares that there is reason to reassess the positions adopted earlier concerning the Church of Sweden's right to perform marriages. The Liturgy Committee shares this assessment and proposes that the Church Synod assents to item 3 in the Church Board's Communication. Four members of the Committee are of a different opinion (Reservation 1).

For the Church of Sweden to have the right to perform marriages as of 1 May 2010, the right must be applied for. According to the order that applies under the new Marriage Code, relinquishing the right to perform marriages is thus not an issue for the Church of Sweden. The Committee therefore proposes that motion 2009:27 is rejected.

Opinions differ in the Church of Sweden as to whether a same-sex relationship can be called marriage and whether the order of marriage can also apply in such cases. Is abstaining from the right to perform marriages the solution to the disagreement on these matters? What would actually be the difference if the church does not apply for the right to perform marriages and then, as a consequence of earlier decisions, offers the blessing of civil unions also for couples of the same sex?

The church has been ahead of society in taking responsibility in this context. In January 1995 the bishops then decided on an order of intercession for homosexual couples. An order for the blessing of registered partnerships was decided later and now it is a question of marriage. The basic issue is not a matter for the church; the Riksdag has decided it. The church therefore does not have to have the same understanding as the state. Still we must be clear about how we perceive the church's assignment in relation to individuals and to contexts where the issue arises.

Affirming that marriage also includes same-sex couples can be seen as a break with theological tradition. Another approach starts from the continuity in the understanding of marriage. With an order of marriage that expresses our belief in the love of God, manifested in human lives, the issue does not primarily concern gender.

The Marriage Code makes it clear that the performance of marriage is not a duty. Will we as a church manage to accommodate different opinions about the matter? A similar division arose when the question of marrying divorced persons was a burning issue and many members of the clergy did not want to officiate at such a marriage. The situation will be much the same if the Church Synod approves the Church Board's proposal. The church's assignment includes welcoming even same-sex couples to marry but the individual clergyperson can agree or refuse to conduct such a marriage service. In the performance of the assignment to perform marriages there is room for a personal assessment of each situation. Talk of a right to abstain is therefore irrelevant.

The question of a couple's right to be married can be handled in practice without offence to anyone. That is evident from experience of the order for the blessing of registered partnerships, as well as from a couple's wish to be married when one or both parties is divorced. Some fear that a clergy person's possibility of refraining from performing same-sex marriages will gradually disappear. Our concern, however, is to take a position on the matters before us.

The right to perform marriages is a pastoral issue and an example of contexts in which the Church of Sweden should be present as a church in the midst of life. In the event of a decision not to apply for this right, many would consider that the Church of Sweden has let its members down. In many ways the issue can be described as one between generations. Surveys show that most young people find it hard to understand the complexity of the issue in the context of the church.

Motions 2009:39, 2009:44 and 2009:72 propose, contrary to the Church Board, that the Church of Sweden shall not apply for the right to perform marriages. They also propose that a civil authority shall always be responsible for the legal aspects of getting married and that there shall be a separate wedding service for couples that have married. With reference to the reasoning presented above, the Committee proposes that the motions are rejected.

Ecumenical relationships

The Liturgy Committee's proposals:

1. The Church Synod rejects motion 2009:26 item 2, whereby the Church Board would be instructed, before any new communication on wedding and marriage is submitted to the Church Synod, to carry out the ecumenical consultations to which the Church of Sweden is committed.
2. The Church Synod rejects motion 2009:28 item 2, whereby prior to 2012 the Church of Sweden would not make any decision that would be contrary to commitments concerning marriage and homosexuality that exist in the Lutheran World Federation and the Porvoo Churches.
3. The Church Synod rejects motion 2009:95 item 2, whereby the theological deliberation would be undertaken both within the Church of Sweden and in dialogue with the Porvoo Churches, and that particular consideration would be paid to the concept Lutheran tradition.

Questions about ecumenical responsibilities in this context have been raised in motions and reservations to the Doctrine Commission's response. In its response, moreover, the Commission considers that "A deeper process of ecumenical discussion could have been undertaken in bilateral contacts, with international partners and in the Swedish Christian Council". As mentioned earlier, one can always wish that a better foundation had been laid for major decisions. The Liturgy Committee is convinced that the decisive changes occurred when the Bishops Conference decided on intercession and then on the blessing of civil unions.

The Committee notes that the question of same-sex marriage is the topical issue at present in the Church of Sweden. Each church must deal with the issues that are on the agenda in its own context.

Collaboration does not require that we are alike and have the same opinions. The magnitude of the differences we manage to handle determines how far we can get in our collaboration. In a dialogue on difficult subjects we need to trust one another in our differences. What matters is that there is mutual respect and understanding of the differences in the ecumenical fellowships.

Issues to do with responsibilities in relation to homo-, bi- and trans-sexual individuals are topical today in many churches. For example, the Evangelical-Lutheran

Church in America (ELCA) recently decided that persons who live in same-sex relationships can be ordained to church offices. Early in September the United Evangelical-Lutheran Church in India (UELCI) circulated a letter to its member churches and its partner churches with an attached report from the first dialogue with the HBT community.

In the background texts to the Communication there is an account of how ecumenical dialogues occur without official documentation.

The Liturgy Committee considers that continued dialogue on these matters makes it possible to deepen relationships in every ecumenical context. It would therefore be neither reasonable nor possible to postpone the decision which the Church of Sweden faces. A majority on the Committee considers that the ecumenical consultations on same-sex love have been extensive and proposes that the Church Synod rejects motions 2009:26 item 2, 2009:28 item 2 and 2009:95 item 2. Two members of the Committee have submitted a reservation (Reservation 4).

Uppsala, 25 September 2009

On behalf of the Committee on Liturgy

Glenn Håkansson, chairman

Lena Bohman, secretary

Decision-makers: Glenn Håkansson (chairman), Timmy Leijen, Ulla-Britt Emanuelsson, Gun Andersson, Anna Karin Hammar, Katarina Ramnerö Ödestad, Ingegerd Flock Andersson, Gerd Johansson, Anders Åkerlund, Anna-Sara Walldén, Fredrik Nilsson, Kerstin Hesslefors Persson, Marianne Kronbäck, Christina Holmgren, Kaya Ålander.

Other present at the decision: Anita Eiderbrant Bylund, Tommy Eriksson, Ann-Kristin Forsman, Marija Kogler Johnsson, Ann-Sofie Persson, Laila Johansson, Birgit Ahlström, Ola Isacsson, Lena Brolin, Ann-Christin Lind, Lars Arvidsson, Ingrid Skäremo, Ylva Wahlström.

Bishop Martin Lind and Bishop Caroline Krook have participated in the Committee's deliberations.

Reservations

Reservation 1, Fredrik Nilsson, Marianne Kronbäck, Christina Holmgren and Anna-Sara Walldén

Referring to reservations 1, 2 and 3 in the Doctrine Commission's consultative response 2009:12y, we enter a reservation on the decision to recommend Church Board Official Communication 2009:6 item 3, to apply for the right for the Church of Sweden to perform marriages. Consequently we also enter a reservation on the decisions to recommend Church Board Official Communication items 1 and 2.

Fredrik Nilsson

Marianne Kronbäck

Christina Holmgren

Anna-Sara Walldén

Reservation 2, Anna-Sara Walldén

In the event that the Church Synod decides to instruct the Church Board to apply to the Legal, Financial and Administrative Services Agency for the right for the Church of Sweden to perform marriages, I consider that the Church Synod should assent to motion 2009:95 *Marriage – a proposed compromise*.

Concerning item 5 in the motion, I propose that the provisions take effect from 1 November 2009.

Motivation

During the Liturgy Committee's deliberations on Church Board Communication KsSkr 2009:6 and associated motions it became clear that approval of the Communication entailed a deliberate change in the Church of Sweden's understanding of marriage.

Thus, such a decision is about more than just broadening the concept of marriage. In my opinion, valid theological grounds for the proposed change are lacking in the Church Board's Communication as well as in the Doctrine Commission's consultative response and the Liturgy Committee's report.

I therefore assert, with clear theological support in the Bible and in our church's confessional tradition, that marriage cannot be defined regardless of the sex of the contracting parties. This also appears to have been the majority opinion in January when the Church Board began to work on an order of marriage for same-sex couples.

As the work proceeded, however, something happened: a growing number of members of the Church Board and the Bishops Conference became inclined to see same-sex marriage as equivalent to opposite-sex marriage and as definable as an institution given by God. One example of this is the opening words of the Marriage Service, which are now proposed to be applicable also to same-sex couples: "Marriage is a holy covenant, instituted and blessed by God". Another example is the preamble to Chapter 23 of the Church Ordinance, which retains the reference to the words of Christ in Matthew 19: "God unites the two as one", but extends this to apply also to same-sex couples.

A broader understanding of this has arisen in a short time in a very small group and has not been communicated to the Church of Sweden's parishes and ecumenical relationships. I fear this procedure will occasion dissension in the Church of Sweden in the coming decades.

The Church of Sweden has already taken a stand on same-sex love. The question now is what constitutes marriage. In my opinion the Church of Sweden ought not to decide on a broadened concept of marriage at present. This can be achieved either by refraining from the right to perform marriages or by formulating two different orders of marriage in accordance with 2009:95.

Anna-Sara Walldén

Reservation 3, Marianne Kronbäck

I enter a reservation to the Liturgy Committee's decisions to reject item 2 of motion 2009:26 *Ecumenical deliberations on wedding and marriage*, item 2 of motion 2009:28 *The Church of Sweden's understanding of marriage in the context of commitments in the Lutheran World Federation and the Porvoo Churches*, and item 2 of motion 2009:95 *Marriage – a proposed compromise*.

The Church of Sweden participates in an ecumenical fellowship. This makes it necessary for the issue of the church's understanding of marriage to be deliberated together with other churches and communities. The Church of Sweden has a particular responsibility in the context of the Lutheran World Federation and the Porvoo Churches.

For the Church of Sweden it is likewise necessary to be serious about the process of anchoring and drafting. It is therefore necessary to involve the parishes to a greater degree than has been possible hitherto and to give the Doctrine Commission a chance of bridging the divides that currently leave their mark on its decisions.

In its statement to the Liturgy Committee, the Committee on Ecumenism points out that “the various ecumenical agreements which the Church of Sweden has signed are commitments when it comes to sharing issues to do with important changes in the belief and life of member churches”. The Committee on Ecumenism also states that “it is important that in the future the Church of Sweden avoids just providing information about important events in our church and continues instead to deepen the ecumenical dialogue”.

The Church of Sweden is distancing itself from the fellowships of which for a long time it has been a constructive part. Such an attitude is indefensible.

I want the Church Synod to decide that prior to 2012 the Church of Sweden does not make any decision that would be contrary to commitments concerning marriage and homosexuality that exist in the Lutheran World Federation and the Porvoo Churches.

Marianne Kronbäck

Reservation 4, Fredrik Nilsson and Marianne Kronbäck

We enter a reservation to the Liturgy Committee’s decisions concerning motions 2009:26 item 2, 2009:29 item 2 and 2009:95 item 2 concerning ecumenical relationships.

Reservation 5, Fredrik Nilsson

In the event that the Church Synod moves to adopt Church Board Official Communication item 3, I want to enter a reservation in favour of the proposals in motion 2009:95 *Marriage – a proposed compromise*:

1. The Church Synod instructs the Church Board to continue the theological deliberation of the Church of Sweden’s understanding of marriage, with particular reference to its relationship with society’s understanding of marriage.
2. The Church Synod decides that the deliberation mentioned in item 1 is undertaken both within the Church of Sweden and in dialogue with the Porvoo Churches, and that particular consideration is paid to the concept Lutheran tradition.
3. The Church Synod rejects item 1 in Church Board Official Communication 2009:6 as regards amendments to the preamble to Chapter 23 of the Church Ordinance.
4. The Church Synod rejects item 2 in Church Board Official Communication 2009:6.
5. The Church Synod decides to insert a paragraph in Chapter 23 of the Church Ordinance as follows: “The Church Board is entitled to issue provisions about the formation and use of the order of marriage for same-sex couples.”
6. The Church Synod instructs the Church Board, on the basis of the order for the blessing of civil unions, to draw up an order of wedding for same-sex couples without using the concept “marriage” in this order.
7. The Church Synod instructs the Church Board to return with proposed amendments to Chapter 23 of the Church Ordinance.
8. The Church Synod instructs the Church Board, within the framework for the ongoing work on the Service Book, to consider, appraise and draw consequences from references to Lutheran understanding and tradition in Church Board Official Communication KsSkr 2009:6.

Motivation

If the Church Synod adopts KsSkr 2009:6 items 1 and 2, the Church of Sweden's understanding of marriage is changed. Such a change requires more time and a stronger anchorage in the Church of Sweden and in the ecumenical dialogues than has been the case.

Motion 2009:95 provides an opportunity, anchored in earlier decisions by the Church Synod, of giving same-sex couples access to marriage by the church.

Fredrik Nilsson

Separate statement 1, Ola Isacsson

I concur with the content of reservation 5.

Ola Isacsson

Separate statement 2, Ola Isacsson, concerning KsSkr 2009:6, items 1 and 2

The Liturgy Committee's majority proposes that the Church Synod decides that "by wedding are two persons united in marriage".

Concerning this marriage, both the current and the proposed (in this report) order of marriage declare that: "Marriage is a holy covenant instituted and blessed by God".

The current order of marriage and Church Ordinance state that the holy covenant "instituted and blessed by God" is made by a man and a woman. Now it is proposed that the Church Synod makes a decision whereby the holy covenant "instituted and blessed by God" is made by two persons.

A decision that interprets what is "instituted and blessed by God" should have been preceded by a considerably deeper consolidation, in the Church of Sweden as well as in ecumenical dialogues, than has been the case.

I therefore consider that the Church Synod should adopt motion 2009:95.

Ola Isacsson

Separate statement 3, Ola Isacsson, concerning KsSkr 2009:6, item 3

In my opinion the Church of Sweden must ultimately relinquish the right to perform marriages. This is all too clear from the tremendous haste that has been generated this year by the encounter between the State's decision on marriage and the Church of Sweden's understanding of marriage. There is a risk of a similar situation arising if and when the State again redefines the concept of marriage.

England has an interesting model for arranging religious marriage and civil union in a single context. Briefly, the couple declares an intent to marry and summons a publicly appointed person (a registrar) to be present at the wedding and register it as legally valid. It is up to the State, not the religious community, to guarantee that the formal legal requirements are met.

Such a model would preserve the core value of a retained right to perform marriages – the coincident course of church and legal processes – and avoid the tremendous temporal pressure which the State's altered concept of marriage has brought to bear this year on the church's decision-making process.

Ola Isacsson

Church Synod
Doctrine Commission consultative response 2009:12y

Wedding and marriage

The Doctrine Commission's consultative response to Church Board Official Communication 2009:6 and to motions 2009:26, 2009:27, 2009:28, 2009:34, 2009:39, 2009:40, 2009:44, 2009:50, 2009:72 and 2009:95.

The Doctrine Commission points out that the fundamental issue of same-sex cohabitation has been deliberated for a very long time. This response harks back to a discussion that has been going on in the Church of Sweden for more than half a century and in which the Doctrine Commission has participated on many previous occasions (see Ln 1995:18, Ln 1997:10, Ln 2000:11, Ln 2001:2y, Ln 2003:15y, Ln 2005:10y, Ln 2006:7y, Ln 2007:1y, Ln 2007:6y).

The Church of Sweden has previously taken decisions that supported same-sex couple's possibility of publicly entering into a lifelong relationship. However, the Church Synod's decision from 2005 is no longer applicable because registered partnership has ceased to be an option.

As of 1 May 2009 there is only one form whereby same-sex couples can enter into legally valid cohabitation, namely what is now called marriage. Ordained ministers in the Church of Sweden have the right to perform marriages in a transitional period up to 1 May 2010. Whether or not the Church of Sweden wants to retain the right for its ordained ministers to perform marriages must be decided at this autumn's Church Synod, otherwise the right will cease to exist. The Doctrine Commission has already declared that on doctrinal grounds it is possible to either retain or relinquish the right to perform marriages (Ln 2007:1y, cf. motions 2009:27, 39, 40, 44 and 72).

The lack of time has placed exceptional demands on the church's decision-making process. The Doctrine Commission notes that this is evident in Church Board Communication 2009:6 with annexes. However, both the work of anchoring the decision and the work on the Church Ordinance and the Service Book will continue.

For the church's process of forming doctrine it would have been desirable for the parishes to have participated to a greater degree and for the dual responsibility approach to have been clearly manifested. Better use should have been made of the opinions and deliberations of the Bishops Conference and the Doctrine Commission. Moreover, a profounder process of ecumenical consultation could have been undertaken in bilateral contacts with international partners as well as in the Christian Council of Sweden, which likewise would have been better (cf. motions 2009:26, 28 and 95).

For the Doctrine Commission, affirmation of same-sex marriage is a central feature of Church Board Official Communication KsSkr 2009:6, *Wedding and Marriage*. The Commission has no objection to this, as is evident below. Thus, the Commission's opinion differs from what is expressed in motion 2009:50. The order for the marriage service which the Communication proposes can be adopted. Neither is there any doctrinal objection to adopting the Communication's proposed amendment to the preamble to Chapter 23 of the Church Ordinance.

As the Doctrine Commission has previously emphasised (Ln 1995:18), differences of opinion about the correctness of affirming same-sex relationships are to be found in communities around the world, in world-wide Christendom and thereby also in Sweden and in our church. The Commission has underscored that the issues are both

thnneologically central and personally engaging. They affect the lives and identities of many people and must therefore be handled with a combination of illuminating analysis and empathetic consideration (cf. Ln 1995:18). The Commission wishes to make a contribution to this ongoing discourse with the present response.

The Doctrine Commission has noted that in our society it has now become possible for same-sex couples publicly to cohabit in established legal forms. Here the church can recognise the characteristics of marriage: love, intimacy, sexual fellowship, lifelong fidelity and responsibility.

The fact that the Riksdag enacted a gender-neutral Marriage Code on 1 May 2009 raises the issue of the relationship between church and state in Lutheran tradition. Confidence in the state is strong in this tradition on the grounds that God also works through the secular orders. But this does not mean that the church shall uncritically affirm every secular order. Moreover, in a multicultural society it means that the church cannot expect society to be self-evidently arranged for the church's requirements. In every situation the Church of Sweden must continuously and independently relate anew to the current law and actively form its own actions in relation to this (cf. motions 2009:34 and 95). The forms and actual applications of marriage are liable to vary and at every time there should be an examination of whether or not they are compatible with the faith, confession and doctrine of the Church of Sweden.

The Doctrine Commission notes that a development has occurred in the Church of Sweden's understanding of homosexual relationships. It is in the nature of ethical issues that they have to be reassessed in each new situation because ethics guide our actions in everyday life. This invariably involves an interaction between secular conditions and the church's theological reflection.

With the 1951 Pastoral Letter from the Bishops, the church distanced itself from the criminalisation of homosexual actions and instead understood homosexuality in medical terms. Later the church has distanced itself from the discrimination and marginalisation of homosexual persons and couples. The church affirmed homosexual relationships in 1995 and the blessing of civil unions in 2005. Now, as a consequence of the amended law, which eliminates the option of a registered partnership, the church has to take a stand on the issue of marriage for same-sex couples. We are not neutral in this situation because we have already affirmed homosexual cohabitation and declared that the blessing of same-sex couples is compatible with the faith, confession and doctrine of the Church of Sweden. The question before us now is how same-sex relationships are best affirmed under the new conditions.

Just as previously when the legal regulation of same-sex relationships occasioned the church to make a theological assessment of the change's consequences, so are various assessments now being made of whether same-sex marriage conforms with the Church of Sweden's faith, confession and doctrine. Some participants in the discussion consider that the issue constitutes a new situation compared to the blessing of registered partnerships, others do not. The Doctrine Commission has previously come out in favour of registered partnerships but presupposed that new legal regulations could necessitate reassessments. In consultative response 2003:15y the Commission states that "a situation in which the legislator prescribes obligatory registered partnership and/or a gender-neutral marriage law ... alters the conditions for the church's ongoing reflection and discussion in a way that should be taken into account." That is the situation today and deeper reflection is therefore necessary.

The Doctrine Commission has identified a number of issues that need to be deliberated (cf. Ln 2005:10y). They include creation theology in general and gender complementarity in particular, that is, the question of in what way the belief that human beings are created man and woman relates to the content of marriage. The Commission therefore finds it relevant to return to these matters.

Arguments from creation theology can start on the one hand from the creation as we perceive it from our experience and on the other hand from the biblical revelation. The Doctrine Commission wants to underscore that experience-based Christian ethics is at the same time always formed in a dialogue with the biblical revelation. In the discussion about the church's understanding of same-sex marriage, the creation argument that refers to our experience has focused above all on the relationship between same-sex couples and the place of children in marriage. In simple terms, marriage is closely connected with ideas about mother-father-child. The other line in arguments from creation has primarily concerned gender complementarity, that is, the implications of God, according to the creation narrative, having created us as man and woman and that the two shall be one.

What, then, is the role of children in the Christian understanding of marriage? The Doctrine Commission notes that in the Church of Sweden, as in many other churches, having or being capable of having children has not been seen as a constituent of marriage. The ability to reproduce biologically has not been a condition for marriage. So in this respect same-sex marriage does not run counter to the Church of Sweden's understanding of marriage. On the contrary, the church has reason to pay serious attention to the fact that many homosexual couples want to form a family but have been thwarted in this by both church and society.

Concerning creation-based gender complementarity, the Doctrine Commission finds that this needs to be elucidated and elaborated. It confirms a fundamental human experience of the vigour and joy that exist in heterosexual love. However, more needs to be said than that. Creation is multifarious. We are created not just as man and woman but also with different characteristics and drives. We do not relate to one another simply as "hand in glove" or as combinations of opposites such as strong/weak and active/passive. Human and ecclesiastical fellowships can be likened to parts of a body that, by virtue of their differences, form a whole. Differences between individuals are greater than those between women and men as groups. The Commission therefore refrains from giving prominence to the value of gender complementarity for marriage, preferring instead to stress the complementarity of individuals. The central feature of marriage is two person's choice of each other as a unique partner for life. The complementarity of individuals is not dependent on their sex. Same-sex marriage can therefore be affirmed doctrinally even in this respect.

Participants in the debate sometimes underscore the connection between gender complementarity and the protection of children in marriage. The Doctrine Commission notes our awareness of the significance of persons who are close to a young child. Considerate and loving persons mean more for a child than words can express. Current psychological, sociological and medical research frequently observes that these persons do not have to be just one man and one woman. Another point to note is that the idea of two distinct genders is actually not as time-honoured as we often believe; in the western world it is really a product of modernity. In antiquity, people were perceived as being to a greater or lesser degree "manly", that is, varyingly perfect.

The good marriage reproduces and expresses the love and grace of God. Intimacy exposes our vulnerability, besides making us frail and dependent on love. It also gives us strength in the knowledge that there is a force which protects us when we are most fragile. There is a risk of sexual intimacy being screened off from our perception of other human relationships and from our relationship to God. Marriage affords the opportunity of a deep insight into our shared vulnerability and ultimate dependence on the love of God and human solicitude. This is not confined to heterosexual relationships; it is also attainable in same-sex marriage.

The Doctrine Commission can accordingly state that it is possible to accept same-sex marriage. This constitutes a change that can be understood in various ways. The content

of the concept of marriage has not been static throughout history, though that is how it has been presented in various ages and contexts. This is a reminder that marriage, along with, for example, race, nation and birth, has been perceived as an immutable or fixed order of creation. The Doctrine Commission therefore wishes to stress the importance of ongoing reflection on issues of cohabitation. It is important, however, that this ongoing reflection does not prevent the church from making specific decisions. At the same time there is a risk that in its order of marriage the church implicitly presupposes that the form of marriage we have in our day is just what God wants. This should be taken into consideration in the ongoing work on the Service Book or in such work as is proposed in motions. There are no doctrinal obstacles to the solution proposed in motion 2009:95.

Biblical texts naturally play an important roll in every Christian discussion of urgent topics. In the entire biblical material, texts dealing with same-sex relationships are remarkably scarce compared with the numerous passages about other human relationships, for instance between rich and poor, slaves and masters. The issue is not mentioned at all in the Gospels, and in just a few places in both the Epistles and the Old Testament. There are several aspects to consider in the present context. Firstly, we must reflect on this subject being so peripheral in the biblical material. The Theology Committee writes as follows about Mark 10 and the parallel in Matthew 19:

Christ's words about marriage between man and woman need not, in other words, exclude a faithful marital relationship between people of the same sex. His words do not give us any clear indication of the content of marriage in relationships other than those which were current when Christ spoke about marriage almost two thousand years ago. (KsSkr 2009:6 p. 58)

Secondly, it must be pointed out that the various texts must always be interpreted in the light of each other and in an overall biblical perspective. Which interpretative keys do we apply to biblical texts that were recorded over as long a period as perhaps a millennium? It is essential that when individual texts are read, they are not isolated from their context and their time. (See also Ln 2005:10y and KsSkr 2005:9.)

Thirdly, ethical texts in the Bible need to be related to the Bible's ethical core, the commandment to love one another; Paul, the Synoptists and John all agree about its supremacy over all other commandments. It is therefore a matter of assessing whether same-sex marriage benefits or harms people rather than of attempting, for instance by referring to the etymology of single words, to establish the gist of somewhat obscure biblical texts.

The Doctrine Commission considers that the above is relevant for the ecumenical discussion of marriage. At the same time as the ecumenical relationships help us to safeguard our identity as a church, they also help us in the joint effort to express faith in our time. There is a wide ecumenical diversity in the matter of homosexual relationships, above all within, but also between, churches. The Commission wants to underscore what the Theology Committee writes in Annex 3 to the Church Board Communication:

Support for a group that is neglected both in society and in the church is however [also] very urgent. Continued dialogue and cooperation are essential for the sake of ecumenism as well as for homosexual persons.

The Doctrine Commission accordingly considers that the Church Board's Communication can be affirmed with maintained ecumenical commitment. The Church Board's proposals are not an expression of ecumenical insensitivity but of the Church of Sweden's serious assessment of what is the will of God in our situation. The ecumenical dialogue contains differences of opinion. Ethical decisions are not necessarily ecclesiastically divisive

In conclusion, the Doctrine Commission notes that the Church of Sweden will continue to house different opinions about same-sex marriage's compatibility with the faith, confession and doctrine of the Church of Sweden. While the Commission for its

part does not find doctrinal objections to affirming Church Board Communication KsSkr 2009:6, decisions about this probably cannot be completely unanimous. The Commission therefore recalls what was said during its lengthy deliberation of the issue of homosexual cohabitation (Ln 1995:18):

In a church the ultimate question is not who appears to be right or who wins the debate but whether love has taken its place in each person's heart. The ancient theological counsel is therefore applicable in this matter: in what is essential, unity; in what can be discussed, freedom; in everything, love.

Uppsala, 19 August 2009

On behalf of the Doctrine Commission

Anders Wejryd, chairman

Cristina Grenholm, secretary

Present: Archbishop Anders Wejryd, chairman, Bishop Ragnar Persenius, Bishop Martin Lind, Bishop Erik Aurelius, Bishop Hans-Erik Nordin, Bishop Thomas Söderberg, Bishop Sven Thidevall, Bishop Antje Jackelén, Bishop Carl Axel Aurelius, Bishop Esbjörn Hagberg, Bishop Tony Gulbrandzén, Bishop Hans Stiglund, Bishop Caroline Krook, Kajsa Ahlstrand, Edgar Almén, Curt Forsbring, Karin Johannesson, Fredrik Lindström, Jesper Svartvik and Kristin Zeiler.

Reservations

Reservation 1

On the role of the church in a multicultural society

For theological, pastoral and ecumenical reasons we enter a reservation to the Church of Sweden continuing to have the right to perform legally valid marriages on behalf of the state.

The Riksdag has enacted a gender-neutral Marriage Code without paying due regard to the consultative response from the Church of Sweden (or from any of the other 38 religious communities with a state authorisation to perform marriages). That has faced the Church of Sweden with the task of thinking through its understanding of marriage at short notice in the light of the new law. This is a far-reaching issue that pertains to what the Church Ordinance refers to as the Church of Sweden's faith, confession and doctrine. It accordingly has to do with what every clergyperson vows at his/her ordination to adhere to and observe.

The Scriptures, our church's confessional documents and our current Service Book present marriage as an order, given by God right from the creation, for the union between man and woman. Sound theological reasons are therefore required for saying anything more or something else about marriage.

Work has started with a very tight time schedule. In our opinion, however, it has by no means been completed. Neither has it been undertaken to date in a way that is internally and ecumenically responsible. The ecumenical consultation to which we are committed has been possible to just a limited extent. Moreover, the parishes could not be heard in the consultative process, which is remarkable considering that it is precisely there that marriages are performed.

The text from the Theology Committee, drafted in the shortest thinkable time and appended to the Church Board Communication, presents an attempt to redefine or broaden the concept of marriage so that it can also include same-sex couples. Instead of the customary man – woman, it uses the term "union of persons". The idea is interesting

but of course it needs to be developed in order to convince. There are indeed various kinds of personal union that differ in terms of number, gender, age and kinship. They need not be limited to a couple.

The Church Synod's earlier decision on the blessing of registered partnerships could be taken to indicate that it is nevertheless possible to broaden the concept of marriage. However, that decision was taken at a time when the law recognised two different institutions: marriage and registered partnership. The broad support for affirming the blessing of registered partnerships was based not least on a will to support faithful relationships in an age of widespread irresponsible sexuality among heterosexual as well as homosexual persons. It was not a change in the understanding of marriage that lay behind the decision.

That is the position today. There is an imminent risk that, on account of the lack of time as a result of the Riksdag's decision, the Church Synod decides on a new order for which the theological reflection will remain to be done.

A different, unstressed and ecumenically and internally responsible approach is still possible. It is available if the Church of Sweden relinquishes the legal component of the performance of marriage and leaves that to the state. We would then have a situation that resembles that in other countries with gender-neutral marriage laws: the churches have no right to perform marriages; the legal regulation is a matter for the state. The Doctrine Commission has stated earlier that on doctrinal grounds it possible both to retain the right to perform marriages and to relinquish it. That both alternatives are possible does not mean that they are equally appropriate. There are good doctrinal and pastoral reasons for recommending today that the Church of Sweden relinquishes the right to perform marriages:

Firstly, we would give ourselves time for theological work on marriage with our sights on the new Service Book and during that process consult with other churches, not least those with which we have agreements. We would also have a chance of hearing the parishes. In the meantime the Church of Sweden can continue to receive same-sex couples and bless them in the way in which we currently receive and bless registered partnerships.

Secondly, such an order, whereby the legal registration precedes the religious rite, would be a manifestation of the division, natural in our tradition, of roles and responsibilities between church and state that lies in the distinction between spiritual and temporal rule. The church would be free in relation to the state and could also thereby more readily perform the critical function in the doctrine of regimentation, properly understood. In this context it is worth drawing attention to the latest report, *Married Against Their Will*, from the National Board for Youth Affairs, which for example denounces clear deficiencies in the exercise of authority by the Legal, Financial and Administrative Services Agency, as well as by faith communities.

Thirdly, such an order is natural in multireligious and multicultural societies, with many different understandings of marriage and marriage customs. The state specifies the rules for marriage and is responsible for its performance and dissolution. For the state, the task above all is then to protect the weaker party. This the state does by ensuring that the arrangement is public and voluntary and by opposing arranged marriages, forced marriages, child marriages and marriage by proxy.

Fourthly, we would avoid some specifically internal problems that otherwise will arise. There would be no need for a law such as the state inquiry has proposed, with exemptions from the performance of marriage, or for a division of the ordained clergy into those with and those without a state assignment to perform marriages.

Our conclusion from the above is that the Church Synod, for theological, ecumenical and pastoral reasons, shall not now decide in accordance with the Church Board's proposals.

Reservation 2

On the understanding of marriage

A decision to make it possible, by altering the concept of marriage and making consequential amendments to the Service Book's order of marriage, for same-sex couples to marry in accordance with the church order, entails taking a decisive theological position. Thus, such a decision has deeper implications than simply broadening the concept of marriage. It amounts to the Church of Sweden separately adopting a new understanding of marriage. In our opinion, the Church Board Communication and the Doctrine Commission's consultative response do not present sustainable theological reasons for the proposed change. We therefore assert, with strong theological support in the Bible and our church's confessional tradition, that marriage cannot be defined without reference to the sex of the contracting parties. The proposals in Church Board Communication 2009:6 must therefore be rejected.

The innermost being of God is relation and human beings as created in the image of God are created to a relationship with God, with fellow creatures and with the whole of creation. People's quest for relationships takes many different forms.

As created in the image of God, human beings are also created man and woman. Marriage represents a union of the man and the woman. The two become one and that is fundamental. As a consequence of – but not a precondition for – this there is the assignment to continue procreation. Without the union of male and female, life cannot be born. This is made visible in marriage. It does not imply either that childless marriage is worth less or a belittlement of other relationships and of being single. From the viewpoint of creation theology anchored in the Bible, moreover, other lifelong covenants than those we today call marriage can be regarded as marriage. That is true of many couples who cohabit in lifelong love and fidelity. The church's creation theology is not dependent on what the state decides about marriage.

The creation is not uniform and contains more than one pattern of life. Sound theological reasons, based on a Christian ethic and understanding of human beings, have led the Church of Sweden to affirm homosexuals in the church and to support lifelong relationships between same-sex couples in a union that aims for lifelong love and fidelity. As a consequence and expression of this, the couple is offered the church's intercession and blessing. However, that should be arranged in some other way than by introducing a new understanding of marriage and changing the order for the Marriage Service.

The proposal expresses a theological shift towards marriage being borne by, instead of bearing, the couple's love. That corresponds to a growing tendency for society to perceive marriage as a social contract between two individuals. The criteria for marriage are determined primarily by the contracting parties' needs, wishes and choice of a form for cohabitation. The proposal for a new preamble in the Church Ordinance, with the emphasis on the "love that is realised in marriage" and on marriage being constituted by "the mutual vows and the publicly declared assent", is an expression of this view. The constituents that are here required for the performance of a marriage are in fact conditions which for social reasons the church has laid down earlier for civil legislation, originally to protect the wife and children. They have accordingly been regulated in the Marriage Code. They are not to be seen, as is done in the Church Board Communication, as a theological argument for marriage in an Evangelical Lutheran tradition. Instead, what is decisive there is that marriage belongs to the creation as a fundamental form for community. Theologically, more is therefore required for a marriage to be constituted than that a couple publicly pronounces mutual vows.

In the proposed preamble to the Church Ordinance and the supplement to the Service Book, a change in the wording does away with the requirement that marriage is a union between a man and a woman. The proposal is in line with the Theology Committee's text (appended to the Church Board Communication), where an attempt is made to redefine marriage by using the vague concept "a union of persons" as an alternative to the customary "man and woman" in the description of marriage. However, personal unions can be of various kinds and need not be restricted to a couple, for example. The proposal is not sufficiently elaborated theologically, neither are its consequences.

The theologically most serious point is that marriage as a mark of God's intention in creation is said to be limited to the human being created in the image of God, not that God created human beings as man and woman. We believe that a fundamental aspect of creation is manifested in marriage between man and woman. The current order for the Marriage Service begins with the affirmation of God's creation of human beings – of the man and the woman – and links marriage to the will of God: "Marriage is a holy covenant instituted and blessed by God, creator of heaven and earth."

As pointed out in the Church Board Communication, marriage is admittedly not a sacrament according to the Evangelical Lutheran tradition. It can self-evidently not be a sacrament because its institution cannot be linked to Christ and its foundation in terms of biblical theology is in the creation. But that does not make it less important as an expression of the will of God. The same Evangelical Lutheran tradition holds that the church may not teach and introduce anything that directly conflicts with the Bible as the supreme norm in the church. That is what is happening now. A highly significant text for the interpretation of the Christian understanding of marriage is Matthew 19, where Christ is asked for his opinion about marriage, divorce and re-marriage. The fact that the question put to him concerned divorce does not mean that his answer is not generally relevant to the understanding of marriage in the creation. The question was raised in a society where polygamy was accepted because everyone was supposed to be married. Christ concludes his reply by saying that not everyone is intended for marriage; people can live unmarried. What is even more important is that He gives testimony to the fundamental will of God in creation: "that he who created them from the beginning made them male and female" and that they shall be one flesh.

In this reservation we have emphasised that the foundation of marriage is the union of man and woman. Responsibility for children is a consequence of but not a necessary precondition for marriage. At the same time it is important not to overlook the perspective of children, to which the Church of Sweden has committed herself in a number of contexts. When this perspective features in the Doctrine Commission's response, it seems most remarkable that the Commission chooses entirely to disregard the particular value that lies in a child's relationship to its biological heritage and in the possibility of growing up in the relationships that belong to this heritage.

Ragnar Persenius, Curt Forsbring, Esbjörn Hagberg, Hans Stiglund

Reservation 3

Rejection of Church Board Official Communication 2009:6

The point of departure for our position on the Church Board Official Communication is that the Church of Sweden has decided to welcome and bless same-sex couples, and that we wish to continue doing so.

The Church Synod resolved in 2005 to welcome and bless same-sex couples. This was accomplished by giving the Church Board a mandate to issue an order for the blessing of registered partnerships. The Church Board adopted such an order in 2006. The decision and the order were based on the institution of registered partnership. No position was adopted on same-sex marriage.

Since the state has now made a decision on same-sex marriage, we as a church need to find a way to also welcome and bless same-sex couples under these new circumstances.

In the discussions of how this can best be accomplished, several suggestions have been put forward. The suggestions need to be examined and support for them established; we must be able to live with the decision for a very long time. Any decision in the matter must also be preceded by careful doctrinal testing. We believe that essential aspects of this examination, testing and establishment of support still remain to be done.

From the beginning, marriage has been part of the faith, confession and doctrine of the Christian church. While this is not a matter that pertains to people's salvation, marriage is nevertheless one of the areas of the doctrine that has been significant as an aspect of the church's understanding of our lives as human beings and Christians. This is also true for the Church of Sweden. In the Lutheran tradition, marriage and the family, along with daily work, are described as God's way of calling us to service to our neighbours. The Church's understanding of marriage is expressed in the marriage service, in catechisms and other statements of doctrine.

The Church Board is now moving that the Church Synod institute a gender-neutral definition of marriage. The purpose of the motion is to enable a woman to enter into and live in marriage with a woman, and a man with a man. The motion entails making marriage gender-neutral for everyone, including marriage between a man and a woman. The outcome would be the independent institution by the Church of Sweden of an understanding of marriage that no equivalent church in the world has adopted.

A process of doctrine-formation must include theological discourse and establishment of support, both within the Church of Sweden and in the church fellowships to which we have made commitments. How such a process is designed affects both the decisions taken on doctrinal matters and how they are received within the Church of Sweden and in the church fellowships to which we belong.

The question now is thus not whether or not the Church of Sweden should welcome and bless same-sex couples, since a position on that matter has already been determined. Nor is the question whether there are reasons for changing the definition of marriage. There are such reasons, just as there are reasons for not doing so. Instead, the question is whether we have been able to examine and weigh the arguments against one another, in our church and together with our sister churches, in a reasonable process of doctrine-formation. In other words: Can the faith, confession and doctrine of the Church of Sweden be changed on the basis of the material which the Church Board is presenting to the Church Synod? Only when that question can be answered in the affirmative will it be possible to proceed with individual matters of content.

1. The motion has been put forward, even though the doctrinal issue has not been subjected to what must be considered to be the requisite theological examination of arguments for and against the change. The prerequisites for a decision on solid grounds and a successful reception process must therefore be deemed inadequate.

The Church Board chose in January 2009 to present only one alternative for change. This alternative differs from what the Church of Sweden and the Church Board have previously said about marriage, most recently in December 2007.

The Church Board's motion has been sent to a limited group of referral bodies and only three months were allowed for consideration and response. Other approaches were possible, but the Church Board rejected them.

During those three months, the idea of changing the Church of Sweden's understanding of marriage was for the very first time to be examined by the Church of Sweden, with a view to a resolution. In such circumstances, the conditions for

establishing broad support and open discourse concerning the doctrinal issue will be unreasonable. There are explicit reasons for a changed definition of marriage. There are also reasons against it, of course. But it has not been possible to examine the arguments and weigh them against each other in the careful and open manner which a change of doctrine requires.

2. The parish is defined in the Church Ordinance as the primary unit of the church. Thus, support for and reception of a matter of doctrine is a matter, not least, of the involvement of the parishes in the process. This has not been the case. The parishes have not been asked, which is unacceptable
3. The ordained ministry's and the democratic synodal organisation's dual or joint responsibility is characteristic of our church. However, the ordained ministry has not been involved in this matter. This could have been accomplished in various ways. One example is the regulation in the Church Ordinance that the Bishops Conference must state an opinion before the Church Board makes a decision on significant theological or ecumenical matters. The Church Board has in reality taken such decisions, but no opinion was requested of the Bishops Conference. Instead, the Theology Committee, without a specified mandate from the Church Board or the Bishops Conference, has under very stressful circumstances drafted texts that support the Church Board's motion. The ordained ministry is, moreover, represented in, for instance, the church councils. They have not been asked either. These are a few examples of how the process is incompatible with the principle of joint responsibility.
4. While the binding church fellowships of which we are part have been informed, they have not been given any opportunity to contribute to a dialogue on the matters at issue. No opportunity has been provided to examine their opinions. This primarily affects the church fellowships with the Mission Covenant Church of Sweden, the Methodist Church, the Lutheran World Federation, the Porvoo Churches and the Evangelical Church in Germany. The lack of dialogue and common discourse is serious, and in our opinion violates the spirit of the ecumenical agreements on church fellowship into which we have entered.

Doctrinal aspects are inherent to a process of doctrine-formation. For the Church of Sweden to change its understanding of a matter of doctrine, it is not enough for the examination to be correct in purely formal terms. The decision must also have been reached in a manner that harmonises with the faith, the confession and the doctrine. It should, for instance, involve the establishment of widespread support for and open examination of the issues, prayerfully and in dialogue with the Scriptures and the confession.

We find that in the handling of the matters that are brought up in Church Board Official Communication 2009:6 on *Wedding and Marriage*, the shortcomings are so many and so grave that the motion presented in the Communication must be rejected on doctrinal grounds. The formation of doctrine in the Church of Sweden shall not proceed in this manner. Since we reject the Communication on doctrinal grounds, we have refrained from taking a doctrinal position on the individual motions presented in the Communication.

Rationale for Rejecting the Church Board Official Communication

The institution we call marriage has taken many forms throughout history. There are variants on every point of significance to Christian churches. Churches also have

different understandings of marriage, but the various Christian churches agree on many points. There has been a long-term endeavour to strengthen protection for the weaker party, often the woman, and especially the children. Here it may suffice to recall the Church's struggle in our own culture against marriage as a business deal between two families. Emphasis on the couple's voluntary consent became important in that context, while the consent of the head of the family (the father) was phased out. But the emphasis on fidelity as part of marriage, on the lifetime duration of marriage, and on marriage as a union of two, and only two, people exemplifies matters that have affected the shaping of marriage in cultures influenced by Christianity.

Until January 2009, the Church of Sweden, as a church, had a single understanding of the import of the concept of marriage. This understanding of marriage did not change when the Church of Sweden took the important and critical step of recognising and accepting homosexual love, homosexual cohabitation and the blessing of homosexual registered partnerships.

The Church of Sweden has worked actively since the 1970s with issues relating to homosexuality and the place of gays in the church. Holsten Fagerborg's report *Homosexuals and the Church* was issued in 1974. It was groundbreaking in recommending that openly gay people should be able to hold church offices and by opening the door to considering some form of blessing for gay couples. The premise of that report, as of the 1988 report *A Matter of Love* and the 1994 report *The Church and Homosexuality*, is that gay cohabitation/registered partnership is something other than marriage.

In 2002, the Theology Committee issued the dialogue document *Gays in the Church*. At that time, the issue was gay cohabitation/registered partnership and an order for the blessing of gay cohabitation/registered partnership. The document states as a matter of course that "The church makes a distinction between marriage and registered partnership".

The Church Board proposed to the Church Synod in 2005 that the Church of Sweden should institute the blessing of gay cohabitation/registered partnership, and the Church Synod so resolved. The decision is based on the presumption that marriage is reserved for a man and a woman, but that registered partnership gives homosexual couples an equivalent form of cohabitation. The then Archbishop K. G. Hammar expressed the issue as that both homosexual and heterosexual love are reflections of God's love, but that "the church is not served by using the word marriage, with its thousands of years of linguistic gravity, with respect to homosexual relationships, even if society would like to do so. Relationships can be equivalent even if they go by different names". (Church Board Official Communication 2005:9 p. 44)

New Marriage Code

The government report *Marriage for Same-sex Couples/Marriage Issues* (Swedish Government Report SOU 2007:17) was presented in March 2007. In its consultative response, the Church Board asserted that the word "marriage" should be used only to refer to the relationship between one woman and one man. Similar opinions were expressed by other churches and faith communities. The Church Board thus maintained the position upheld by the Church of Sweden ever since Holsten Faberberg's report in the 1970s: Blessing of same-sex couples is welcomed, but do not call it marriage.

An initial discussion "on the measures the Church of Sweden needs to take when the decision on the matter [of marriage legislation and the right to perform marriages] is taken" was held by the Church Board's working committee on 21 November 2008. The Church Board continued the discussion in December 2008 and decided how a consultation document should be prepared and whether or not consultation with the bishops was desired.

The decisions were reported in the minutes of the Church Board meeting:

It was proposed that a consultation document be prepared with a description of the current state of affairs, potential orders, and an account of the consequences in the Church Ordinance.

A suggestion was put forward for an extraordinary meeting of the Church Board for a decision on the wording of the consultation document, that the draft be put before the members of the Church Board and all alternate members prior to a decision by the working committee. The alternatives were compared and a poll of votes was requested. When the votes were polled, 10 members voted in favour of a decision by the working committee and 5 members voted in favour of a decision by the Church Board.

The Church Board *resolved*:

to mandate the Secretary General to prepare a draft consultation document based on the Church Board's discussions, and
to circulate the document for comment after a decision by the working committee on its wording.

Nils Gårder, Lennart Sacredéus and Staffan Holmgren entered a reservation.

Proposals were presented, firstly on consultation between the Church Board and the Bishops Conference in preparation for possible drafting of an official communication to the Church Synod, and secondly that no consultation would take place. A poll of votes was requested, whereupon 8 members voted in favour of consultation, 6 members voted against consultation and 1 member abstained.

The Church Board *resolved*:

to mandate the Secretary General to invite the Bishops Conference to a consultation with the Church Board, preferably in January.

Gunnar Prytz entered a reservation.” (Church Board, 10 December 2008, §150)

The Church Board working committee chooses a path

Archbishop Anders Wejryd was interviewed on “Ekot”, a Saturday radio programme, on 10 January 2009. The reporter dwelled at considerable length on why the proposed order for marriage, upon which the working committee planned to adopt a position the very next Monday, did not mention the word marriage.

During its telephone conference on Monday 12 January 2009, the Church Board working committee resolved to amend the draft of a new order for marriage that had been distributed to the members. The word marriage was inserted into the marriage service. The distributed draft of the new wording of the Church Ordinance that instituted same-sex marriage was adopted. At the same time, the working committee refrained from making the consultation more open by distributing more than one draft.

The working committee, at the request of the Church Board, thus decided to circulate a proposal for comment, according to which the Church of Sweden would institute a gender-neutral definition of marriage. To make this possible, amendments to the Church Ordinance and the marriage service are proposed.

This decision meant that the Church Board working committee had determined that it is possible to institute a gender-neutral understanding of marriage within the Church of Sweden. In this way, the telephone conference on 12 January 2009 became a turning point. The direction of the Church Board changed. In the past, the Church Board and its predecessors had consistently asserted that the word “marriage” should be used only to

describe the relationship between one woman and one man. Gender-neutral marriage became the main line.

The Church Board's arguments are reported in the consultation document. It must be possible for this autumn's Church Synod to resolve to retain the right to perform marriages and to marry same-sex couples:

The proposal to amend the Church Ordinance is designed in the event that the Church Synod wishes to retain the right to perform marriages and decides to apply for an officiant licence, and resolves that marriage of same-sex couples will be permitted. (Church Board's consultation document, missive, 12 January 2009)

Meanwhile, it was taken as self-evident that the state's decision on the forms of marriage should also be reflected in the Church of Sweden:

The forms of marriage change over time. Decisions on such changes are taken in our society by the Riksdag and the Government. The Swedish Riksdag has decided in 2009 that marriage is also possible between people of the same sex. (Church Board consultation document, *Deliberations on Amendment of Chapter 23 of the Church Ordinance*)

This means that the Church Board is arguing that the definition of marriage is the business of the state, and that the church should not hold an opinion contrary to that of the state. An area was hereby transferred to the state that through the ages and across the boundaries of communions has been included in catechisms and other doctrinal exegeses and which has been formulated as an expression of faith in orders for marriage services.

During the consultation period, the Riksdag voted on 1 April 2009 to enact the new gender-neutral Marriage Code, without regard to the opinions of the Church of Sweden or other churches. The law took effect on 1 May 2009.

The Church Board presents a motion on the right to perform marriages and a gender-neutral definition of marriage

Based on consultative responses and the written opinion of the Theology Committee, the Church Board resolved on 12 June 2009 to submit the Official Communication *Wedding and Marriage* to the Church Synod, in which the Church Board moved that the Church Synod:

1. Adopt the Church Board's motion on amendments to the Church Ordinance (gender-neutral view of marriage, etc.)
2. Resolve that the instructions for the marriage service shall constitute a supplement to the Church of Sweden Service Book (gender-neutral order for marriage)
3. Mandate the Church Board to apply to the Legal, Financial and Administrative Services Agency for the right for the Church of Sweden to perform marriages.

Theological deliberations

In its Official Communication to the Church Synod, the Church Board states:

That opinions have been divided on the matters at issue and on the underlying theological positions actualised in the consultation document, is clear in several of the responses. In some cases, there is room for differences of opinion on one or more points in the response itself; in other cases, these differences are laid out in the appended reservations. Detailed written reservations and separate statements are appended to the responses from nine consultative bodies. (Church Board Official Communication 2009:6)

The wording must be regarded as cautious. The consultation report shows that the path to a decision on the consultative response was in most cases marked by disagreement, votes, and dissent. It is not unreasonable to presume that the fragmented picture provided by the consultative responses reflects a corresponding and deep division throughout the Church of Sweden.

How this division should be understood and its possible significance for the Church Synod's decision are obvious questions. The answers are not obvious. But the Church Board gives the Church Synod no guidance in respect to the ecclesiastical divisions on the understanding of marriage, the right to perform marriages and how these matters have been handled.

Naturally enough, the divisions also generate criticism of the lack of any sign of theological discourse. The absence of dialogue, and of time for dialogue, exacerbates the divisions. And the lack of scope for reflection is apparent. First the Church Board takes a decision on consultation, then the Church Board takes a new decision whereby they adopt a position and move for a resolution by the Church Synod. Theological grounds appear only at this late stage, and are then taken as formulated by the Theology Committee. But there is no time for them to be discussed and examined outside the Church Board's meeting room; the theological grounds are sent directly to the Doctrine Commission and the Church Synod for consideration.

This can be understood as that the common theological deliberation of these matters within the Church of Sweden has been narrowed to the Church Board's meeting room and debate at the Church Synod. Should not theological reflection and dialogue form the basis for proposed resolutions, instead of coming after the fact?

Exclusion of the parishes

The parish is the basic unit of the Church of Sweden. The Church Ordinance states:

The local presence of the Church of Sweden is the parish. This is the primary unit within the church. (Church Ordinance, Second Section, Preamble)

It is therefore troublesome in an Evangelical Lutheran church that the Church Board is proposing a change to the faith, confession and doctrine of the Church of Sweden on a matter that generates strong feelings and avid interest without giving the parishes an opportunity to be involved in the process. The parishes are excluded, even though we as a Church claim that the parishes are primary.

This may have consequences for how the decision is received. A formal resolution on a matter of doctrine is not usually thought sufficient. The resolution must also later be received and accepted by the Church as a body. While this reception process cannot be formally regulated, it has proven throughout history to be a meaningful reality. Thus, the consequences of excluding the parishes from the decision-making process will not become clear until after the decision has been taken.

The dual responsibility approach

In the Church of Sweden we proudly point to the interplay between the laity and the ordained ministry in what is usually called the dual responsibility approach to our shared mission. The roots of this approach go all the way back to the time when parishes began to be formed and parish churches were first built; it is one of the defining characteristics of the Church of Sweden. According to the dual responsibility approach, important decisions have never been permitted to become matters that are reserved for the ordained ministry alone, but neither have they been permitted to become strictly lay matters. In all important decisions, interaction between both branches of responsibility has been considered crucial.

The Church Ordinance summarises the dual responsibility approach to the shared mission as follows:

Elected representatives and others who belong to the church, along with the ordained ministry, have a role in the shared mission to spread the Christian message. Together, they are also responsible for the democratic decision process and for the decisions. (Church Ordinance, Second Section, Preamble)

At parish level, the dual responsibility approach is manifest through the rector's special position in the democratically appointed church council.

The dual responsibility approach was formerly expressed in the Church Synod by the election of members in two separate groups: laity and ordained ministry. In the reformed Church Synod, where there is no division into categories, the dual responsibility approach is expressed in other ways, including through the Doctrine Commission, where the bishops and members elected by the Church Synod have particular tasks in connection with resolutions on matters of doctrine.

Another expression of the dual responsibility approach is the following regulation in the Church Ordinance:

The Church Board must request an opinion from the Bishops Conference in connection with the preparation of the Board's decisions on significant theological and ecumenical matters. (Church Ordinance, Chapter 12, § 3 (a), paragraph 1)

This task is considered so important that it is repeated in the provision of the Church Ordinance on the tasks of the Bishops Conference. The Church Ordinance assigns only two tasks to the Bishops Conference. The first is to consult on diocesan leadership and official responsibility, and the second is precisely the task of expressing an opinion on significant theological and ecumenical matters at the request of the Church Board. (Church Ordinance, chapter 13, § 2)

The provision does not supplant the provisions on the Doctrine Commission. The Commission relates to the Church Synod, while the provision in chapter 13 of the Church Ordinance relates the Bishops Conference to the Church Board. The Theology Committee, on the other hand, is a working committee that is not mentioned in the Church Ordinance, and thus has no independent mandate.

The Church Ordinance here specifies directly that the Bishops Conference *shall* state an opinion before the Church Board takes decisions on significant theological and ecumenical matters. The Church Board has, in reality, taken such decisions during the process. In particular, one can imagine here how the dialogue with the church fellowships to which we belong might be handled during the process. But one can also consider the series of decisions on the theological examination of the matter and the establishment of support in our own church.

However, an opinion was not requested from the Bishops Conference at any stage. Requesting an opinion has an accepted significance in Swedish administrative practice. The body meant to issue an opinion is given an opportunity to deliberate and draft the opinion and then submit it in writing, possibly along with an oral presentation.

Nothing of the kind has occurred. While the Church Board did sit in the same room as the Bishops Conference, once in January 2009 and once in May 2009, with wedding and marriage as the theme of discussion, this is not the same thing as giving the Bishops Conference, as a collegium, the opportunity to issue a separate opinion. Consequently, the Church Board has decided on a motion for decision on matters of doctrine with no regard to the provision in chapter 12, § 3 (a) of the Church Ordinance.

The Theology Committee

The Church Board has relied on the Theology Committee with respect to theological formulations. The Theology Committee's opinion becomes the only theological examination of the consultation and its questions which is included in the basis for decision that the Church Board has provided the Church Synod. This makes the Church Synod's basis for decision inadequate for several reasons.

The Theology Committee's written opinion to the Church Board was drafted without the members having met even once for a joint discussion of the draft written by the Central Office. The members' only opportunity to be involved was to respond via e-mail during a limited period of time.

The impression of stress and lack of careful consideration is accentuated by the various versions that the Theology Committee presented in rapid succession in May and June 2009 and which differ so sharply from one another. Key sections have disappeared overnight, been added, or amended. Moreover, this occurred without the Committee ever having met to jointly take a position on its own draft. It remains unclear who took the decision on the final wording.

The rushed schedule may also explain why the Theology Committee did not analyse the theological arguments for and against the proposals which appear in countless places in the consultation material. There was no room for any theological discussion of what was, after all, a limited consultation document. To all intents and purposes, the theological reasons for and against the presented proposals, found in the consultative responses, remain unexamined.

Another question in this context is by what mandate the Theology Committee has stated an opinion. The question is of interest not least in light of the significance which the Church Board assigns to the Theology Committee's formulations. The Theology Committee is a working group whose tasks are assigned by the Church Board or the Bishops Conference and which has no independent mandate.

The minutes of the Church Board meeting may be enlightening in this respect:

The Theology Committee has been tasked with working with matters related to cohabitation and marriage since the late 1990s. During that time, the Committee carried out various activities and produced several publications. These include the dialogue document 'Gays in the Church', the report from the hearing on 'Love, Cohabitation and Marriage', and two anthologies on matters related to cohabitation and marriage.

The Theology Committee approached the Bishops Conference in January for advice concerning how the Committee's task on issues of cohabitation and marriage could be concluded. The bishops said that as far as they were concerned, the Theology Committee's assignment could be considered complete, in that the aforementioned material on issues of cohabitation and marriage had been produced and published.

As proposed by the working committee, the Church Board *decided*, in agreement with the Bishops Conference, to consider the Theology Committee's work with issues of cohabitation and marriage concluded, in that the books and other writings planned in the matter have been published. (Church Board, 22 April 2009, §37)

The Bishops Conference and the Church Board were thus agreed that the Theology Committee's job was done in these matters. Nevertheless, the Theology Committee then drafts a new memorandum on issues of cohabitation and marriage, which the Church Board incorporates into its Official Communication to the Church Synod.

By whose mandate has the Theology Committee continued its work with issues of cohabitation and marriage, when both the Church Board and the Bishops Conference have concluded it?

The Theology Committee reports that it has had a mandate to work with issues related to cohabitation and marriage since the late 1990s. The Theology Committee claims that it has continued its efforts at the request of the Church Board:

As requested by the Church Board, the Theology Committee provides in this report a theological assessment of how the Church of Sweden should respond to new legislation that makes marriage possible for couples of the same sex. (Church Board Official Communication 2009:6, Appendix 3)

This statement raises questions in light of what can be discerned from the minutes, which is that the Committee's mandate to work with these issues has been concluded. Since the Committee does not have an independent status which allows it to mandate itself, the question becomes whether a new mandate was issued. No such decision is recorded in the minutes of meetings of the Church Board or of the working committee from the time when the issue first came under discussion in late 2008 until the resolution to issue an Official Communication to the Church Synod. Nor is there any mandate from the Bishops Conference. The question of under whose mandate the Theology Committee has worked remains unanswered.

Participation of bishops in the debate

An opinion article by nine bishops on relinquishing the right to perform marriages, published in *Dagens Nyheter* on 6 February 2009, triggered debate. Olle Burell (Social Democratic Party) and Karin Perers (Centre Party) expressed their views in an opinion article in *Svenska Dagbladet* on 15 February 2009. Among else, they said:

As group chairmen for the Social Democratic Party and Centre Party, respectively, at the Church Synod, we cannot stand by silently while the bishops impair trust in the Church of Sweden.

First, there is the matter of the nine bishops exploiting their authority as the holders of high office to influence a matter that is the concern of the state, not the Church. In addition, the Christian Democrats are the only party in the Swedish Riksdag that opposes this historic reform towards equality, which is supported by more than 90 percent of other elected representatives.

When 70 percent of the Riksdag's electorate is synonymous with the membership of the Church of Sweden, the bishops cannot reasonably claim that they speak for a majority of church members in our country. (*Svenska Dagbladet Brännpunkt*, 15 February 2009)

There is no suggestion in Burell and Perers' article that the decision is still an open question. This conflicts with the Church Board's assurances in the consultation document distributed to the dioceses, that is, that the Board was not committed to a particular decision. The preceding quotation suggests that Olle Burell and Karin Perers also believe that a majority rules even in matters of doctrine. Neither the Church Board nor the Church Synod had reached any resolution as of that date. But for the authors of the article, a majority vote in the Riksdag is sufficient for a new understanding of marriage in the church to be a political fact.

Nor is there any indication that the dual responsibility approach makes any difference to Burell and Perers. The dual responsibility approach presumes that the ordained ministry assumes its responsibility independently, based on the ordination vows taken by all deacons, priests and bishops. There is a deliberate point in this official responsibility not being subject to a vote. When nine bishops speak out in the debate, Burell and Perers opine that they cannot speak for a majority of church members in our country. However, the bishops never claimed that they could, nor is it their task. Instead, their contribution emerged from the responsibilities of their office.

Burell and Perers are consistent in their argument that the majority rules. There is a majority in the Riksdag, which the nomination groups will follow. The matter is politically decided. Accordingly, they can conclude their article with the following promise:

At the Church Synod this autumn, our two parties, united in the effort to bring about an open and democratic national church, will safeguard the right of the Church of Sweden to perform marriages. (*Svenska Dagbladet Brännpunkt*, 15 February 2009)

Ecumenical aspects

The Church of Sweden took an important step in 2005 by resolving to bless registered partnerships. There is no doubt that, regardless of the outcome otherwise, the Church of Sweden will stand firm in its conviction that same-sex couples should be welcomed and blessed. That is not what the discussion is about. The question is rather how this can best be accomplished and how a decision in the matter should be taken.

Hardly any church has adopted a gender-neutral understanding of marriage, although, as always, there are isolated exceptions. A few communions have orders for same-sex marriages. They are small, unaffiliated congregations, communions that have adopted extreme positions in other respects as well, or, in the case of the United Church of Canada, a church that permits individual parishes to decide on services, without this being understood as a doctrinal decision.

Norway, Spain, the Netherlands, South Africa, Canada, Belgium and some states in the United States have enacted gender-neutral marriage laws. Not even in these countries/states have any churches, other than the exceptions noted above, taken a doctrinal decision to introduce a gender-neutral understanding of marriage, which is what the Church Board's proposal entails. The matter of a gender-neutral understanding of marriage is not being discussed in any of the Nordic national churches, not even in Norway, which has enacted a gender-neutral marriage law. Thus, our sister churches in other countries have not found it necessary to take a hasty decision to institute a change simply because the state has amended the law. Nor is there any established church in Sweden other than the Church of Sweden that is preparing to institute gender-neutral marriage.

Ecumenical commitments

The Church of Sweden has commitments through agreements with several church fellowships. In our country, this involves the Methodist Church and the Mission Covenant Church of Sweden. The agreement with the Mission Covenant Church of Sweden states that "We wish ... to deepen the fellowship between our churches in consultations on faith and life". The agreement with the Methodist Church also expresses the principle that deliberations should precede important changes.

The Lutheran World Federation is moving towards regarding itself more as a communion of churches than as a federation. The March 2007 LWF Council Meeting in Lund addressed the guidelines for respectful dialogue on marriage, the family and human sexuality. The aim was to promote dialogue among Lutheran churches on these subjects and for genuine dialogue and consultations to continue until 2012. (Proposed Guidelines and Processes for Respectful Dialogue on Marriage, Family and Human Sexuality. LWF Council Meeting, Lund, 24 March 2007)

The Porvoo Communion among Lutheran and Anglican churches in the Nordic countries, the Baltic countries and the British Isles entails a commitment by the member churches to "establish appropriate forms of collegial and conciliar consultation on significant matters of faith and order, life and work;" and to "encourage consultations of representatives of our churches".

The agreement with the Evangelical Church in Germany speaks of joint meetings and consultations.

The ecumenical document *Charta Oecumenica* has been drafted in cooperation with the ecumenical Conference of European Churches, of which the Church of Sweden is a member, and the Council of European Bishops' Conferences. The document was ratified in Strasbourg in 2001. *Charta Oecumenica* describes a "common commitment to dialogue and co-operation". The signatories commit themselves "in the event of controversies, particularly when divisions threaten in questions of faith and ethics, to seek dialogue and discuss the issues together in the light of the Gospel".

In various ways, the ecumenical agreements described above all state that deliberations must take place prior to important changes and decisions. It is nowhere prescribed that these consultations should be binding. Nor are there any formal requirements as to how the dialogue should proceed. However, through its ecumenical agreements the Church of Sweden has made a commitment to engage in consultation and dialogue with other churches. How has the Church of Sweden lived up to its agreements?

The minutes of the Church Board meeting in spring 2009 note that information had been sent to various churches and fellowships on various occasions, including to churches outside our church fellowships. However, there is no mention of whether the Church of Sweden asked for or received any response to the information.

In the Church of Sweden's official letter to the Porvoo Churches there is a similar emphasis on unilateral communication from the Church of Sweden to other churches and a similar lack of openness to bilateral communication. The letter concludes as follows:

All our churches are self-governed. We cannot force decisions upon each other. However it is to me of utmost importance to keep you informed of what is going on and we are of course ready to inform you more if so wanted. (Letter to the Porvoo Churches, March 2009)

The Church Board maintains the same emphasis on unilateral communication when it describes how it believes we have fulfilled our commitments to the church fellowships of which we are part:

Information about the Church of Sweden's efforts to respond to the new gender-neutral marriage legislation has been communicated to other churches in various contexts. The Archbishop has written a letter to the Porvoo Churches which describes these efforts. The Archbishop has also met with the papal nuncio in Scandinavia to explain the position of the Church of Sweden. Information has also been communicated to the Nordic archbishops in connection with deliberations in Iceland. The Church of Sweden's process has also been explained to the board of the Christian Council of Sweden. An assembly is planned within the framework of the CCS to discuss matters related to wedding and marriage with the member churches. The Church of England's Council for Christian Unity has also been contacted. When the Church Board Official Communication on marriage issues is ready, the intention is to translate it into English and distribute it along with a covering letter to the Church of Sweden's partner churches around the world. A consultation on the theological aspects of human sexuality and marriage, at which the Porvoo churches will share the work they have done in this area, is planned within the Porvoo Churches in 2010. (Church Board Official Communication 2009:6, page 8)

The ecumenical agreements are commitments. Commitment is a strong word. But it is not accompanied by any substantive provisions or threats of sanctions in any of the

agreements. Perhaps these commitments are not particularly binding upon our actions after all.

Similar arguments have been presented in the past and still are in another area, namely here at home in relation to the Church Ordinance. One might say that the Church Ordinance is binding upon every part of the Church of Sweden. And yet options for sanctions are largely absent. Even so, in most cases prescriptions in the Church Ordinance are complied with. There is a commitment that works. But if there is no will to that end, it has proven difficult to uphold what has been mutually agreed.

The consequence has been recurring discussions at the Church Synod on (lack of) loyalty to the Church Ordinance. We can look forward to similar discussions in ecumenical contexts. No one can force the Church of Sweden to engage in conversation and dialogue, but the commitment is there, for everyone to see.

The first example of an ecumenical reaction to the lack of dialogue came in a letter from the Church of England. Out of concern for the Porvoo Churches, they write that moves by the Church of Sweden towards sanctioning same-sex marriages may impair relationships between the churches and have particular implications for the ties between our churches. (Letter from the Church of England, Archbishop's Council, 26 June 2009)

Without formally breaching any provisions, the Church of Sweden may nevertheless lose ecumenical credibility. The Church Board's motion would change our doctrine on a point where we concurred with the other churches when we entered into the respective agreements. In changing our opinion on a point considered essential by many churches, we have unilaterally changed the conditions for the agreements.

One particular complication in the context will be that marriage is an issue where ecumenical consensus has practical implications for individuals, since interfaith marriages are so common. It is by no means obvious that a legally binding wedding will always suffice for the marriage to also be recognized as a marriage from the church's perspective. If the Church of Sweden's understanding of marriage is no longer recognised by other Christian churches, which is beyond our control, individuals may become ensnared in the churches' differing views on marriage.

We do not know how other churches would react if the Church of Sweden became the first church in the world to institute gender-neutral marriage for everyone who marries in the church. For the sake of individuals, it would perhaps be wiser to investigate the matter prior to taking a decision.

The state, the right to perform marriages and doctrine

The right to perform marriages and whether or not it exists do not have the same doctrinal connections as the marriage service and the understanding of marriage. But it is the right to perform marriages that carries the emphasis in the Church Board Official Communication. For instance, safeguarding the right to perform marriages informs the Church Board's summary of its proposal to the Church Synod:

The Church Board's motion: In light of the preceding account regarding the Church Synod's position in the matter of the Church of Sweden's right to perform marriages, and based on the outcome of the consultation process, the Church Board moves that the Church of Sweden uses the opportunity provided under the law to continue performing marriages. The Church Board should be given a mandate to apply to the Legal, Financial and Administrative Services Agency to grant to the Church of Sweden the right to perform marriages.

The Church of Sweden should also marry couples of the same sex. Consequently, the preamble to Chapter 23 of the Church Ordinance should be amended. (Church Board Official Communication 2009:6 p. 22)

First comes the right to perform marriages, then marriage for same-sex couples, and finally amendments to the Church Ordinance to make this possible.

Key points of the order for marriage proposed by the Church Board have been changed in the process (for instance by the working committee on 12 January 2009 and by the Church Board on 12 June 2009). The proposal ultimately became a uniform, gender-neutral order for all wedding couples, regardless of their sex. For the vast majority of opposite-sex wedding couples, the change will not be insignificant. Today, the marriage service identifies the couple as a man and a woman eighteen times. According to the motion, they will no longer be identified as a man and a woman at all, but as two individuals whose sex must not be mentioned. This is consistent with an entirely gender-neutral solution.

The prioritisation of the right to perform marriages may be one explanation for the Church Board's decision to prepare issues related to marriage and weddings in the manner that has now occurred.

From the outset, marriage laws have been a matter for both ecclesiastical law and civil law. A common marriage code was instituted in Swedish law in 1734. The Church of Sweden was involved as a matter of course in legislating the original Marriage Code and its successors. In the 18th century, joint church/state marriage laws were enacted by the diet of the four estates, and after 1863 through the Church Synod and the Riksdag.

For the first time, on 1 May 2009 a Marriage Code entered into force without the church having been involved as a legislator. Marriage law was thus secularised in the literal sense of the word.

Now that the state is enacting marriage laws on its own, it can be argued that marriage as a legal institution has also been secularised. For this reason, analysis of this fundamentally important change would have been meaningful.

The closest the Church Board comes to such an analysis is the statement that decisions on changes to marriage in our society are taken by the Riksdag and the Government. (Deliberations on amendment of Chapter 23 of the Church Ordinance)

The fact that the church no longer participates in legislation is not addressed. Instead, it seems unproblematic that government legislation is permitted to define the church's belief in an area that has "always and everywhere" been part of church doctrine. This attitude is reflected in the Church Board's consultative document, in the Theology Committee's opinion and in the Church Board's Official Communication to the Church Synod.

On the one hand, this implies that the Church of Sweden should recognise the legal validity of marriage entered into in accordance with Swedish law. It is likely that very few would regard this as a problem today. On the other hand, however, it means that the state's understanding of marriage becomes normative for the church.

But should the state's decision determine the contents of something that is part of the faith, confession, doctrine and order of the Church of Sweden? Or to put it another way: Should decisions in the political arena govern the church's positions in theological matters of doctrine? That aspect of the matter is not equally obvious.

Should the Church Synod pass the Church Board's motion, it may set a precedent. If the Church of Sweden has once allowed a state decision to determine the contents of one matter of doctrine, the church can do so again, on completely different matters of doctrine. A door will be opened that may be difficult to close again.

Bishop Sven Thidevall, Bishop Carl Axel Aurelius, Curt Forsbring, Bishop Esbjörn Hagberg, Bishop Hans-Erik Nordin, Bishop Hans Stiglund

Reservation 4, Karin Johannesson

The question now is not whether or not the Church of Sweden should welcome and bless same-sex couples. A position on that matter has already been determined. Neither is the question whether there are reasons for changing the definition of marriage. There are such reasons, just as there are reasons for not doing so. Instead, the question is whether we have been able to examine and weigh the arguments against one another, in our church and together with our sister churches, in a reasonable process of doctrine-formation. In other words: Can the faith, confession and doctrine of the Church of Sweden be changed on the basis of the material which the Church Board is presenting to the Church Synod? Only when that question can be answered in the affirmative will it be possible to proceed with individual matters of content.

Doctrinal aspects are inherent to a process of doctrine-formation. For the Church of Sweden to change its understanding of a matter of doctrine, it is not enough for the examination to be correct in purely formal terms. The decision must also have been reached in a manner that harmonises with the faith, the confession and the doctrine. It should, for instance, involve the establishment of widespread support for and open examination of the issues, prayerfully and in dialogue with the Scriptures, the confession, the society of which we are part and existing human beings with different experiences and opinions.

I find that in the handling of the matters that are brought up in Church Board Official Communication 2009:6 on *Wedding and Marriage*, the shortcomings are so many and so grave that the motion presented in the Communication must be rejected on doctrinal grounds. The formation of doctrine in the Church of Sweden shall not proceed in this manner. Since I reject the Communication on doctrinal grounds, I have refrained from taking a doctrinal position on individual motions presented in the Communication.

Karin Johannesson

**Church Synod
Committee on Ecumenism
consultative response 2009:3y**

Wedding and marriage

To the Committee on Liturgy

The Committee on Ecumenism has been given an opportunity to comment on Church Board Official Communication 2009:6 and on motions 2009:26, 2009:28 and 2009:95. Appended to the comment are a reservation and a separate statement.

The Committee has chosen to confine its comments on this matter to an ecumenical perspective.

In that the 2005 Church Synod's decision on the blessing of registered partnerships is no longer applicable, time has been short in the handling of the Riksdag's decision to alter the concept of marriage and the related issue of the Church of Sweden's right to perform marriages.

Seen against the background of the reality for many other churches in the worldwide church, the role and identity of the Church of Sweden in Swedish society are very different. It is important that in the various ecumenical contexts in which we are involved, the Church of Sweden endeavours to describe our reality as a backdrop to the theological reflection that occurs in the Church of Sweden. Doing so would make it clear that the Church of Sweden's intention is not to go its own way in difficult theological issues but to respect the ecumenical agreements it has made. The Committee considers that it continues to be important for the Church of Sweden to share and learn from the reflections and realities of other churches.

The Committee notes that the various ecumenical agreements which the Church of Sweden has signed are commitments when it comes to sharing issues that involve major changes in the faith and life of the member churches. As a part of the preparation of the current issue, a number of contacts have been made, for instance with the Porvoo Churches and the Christian Council of Sweden. The Committee regrets that in connection with the Church Board's handling of the issue of wedding and marriage, more room could not be provided for making better use of these and other ecumenical platforms and the ecclesiastical relationships to which the Church of Sweden relates. A process of broad ecumenical consultation could have been carried out had there been more time. Such a process would have been desirable.

It is important that in future the Church of Sweden does not just provide information about notable events in our church and continues instead to deepen the ecumenical dialogue. In the Church of Sweden's ecumenical approach there is a tradition of listening and dialogue as central concepts. The Committee considers it important to continue this tradition so that the Church of Sweden will in future remain a credible member of various ecumenical networks and a respected sister church in bilateral relationships.

Another important matter for the future is to attend to the interreligious dialogue on questions concerning marriage and the family. The background to this is the multireligious context in which the Church of Sweden exists and consequently the growing number of members of the Church of Sweden who live in an interreligious marriage.

Notwithstanding the shortcomings in the process, the Committee finds no ecumenical obstacles to assenting to the proposal in Church Board Official Communication 2009:6.

Uppsala, 23 September 2009

On behalf of the Committee on Ecumenism

Gerd Gullberg-Johnson, chairman

Peter Lindvall, secretary

Present: Decision-makers: Gerd Gullberg-Johnson, chairman, Bengt-Åke Gustafsson, Inger Svensson, Lars Stjernkvist, Agneta Brendt, Solveig Thorkilsson, Anna Lena Wik-Thorsell, Karin Uggla, Inga Alm, Erik A Egervärn, Birgitta Wrede, Angela Boëthius, Lennart Sacrédeus, Margareta Nybelius, Anki Erdmann.

Also present at the time of the decision: Erik Jonsson, Sune Frisk, Lena Schachinger, Olof Marcusson, Christina Andersson, Astor Karlsson, Lars-Gunnar Frisk, Johan Sobelius, Margareta Ullhammar, Britta Olinder, Fredrik Sidenvall.

Bishop Carl Axel Aurelius and Bishop Erik Aurelius have participated in the Committee's deliberations.

Reservation

The Committee on Ecumenism's majority cites a shortage of time as a reason why the Church of Sweden's ecumenical agreements and commitments with the Porvoo Churches and the Lutheran World Federation were not observed in the issue of wedding and marriage.

It is the church which has chosen this shortage of time with its eyes open and it is therefore responsible for it. The church cannot blame others, for example the state, for her not taking the ecumenical agreements seriously in the issue of marriage.

Besides the Church of Sweden, there are 38 other communities in Sweden that administer marriages. None of them has changed its understanding of marriage as a result of the state's legislative amendments. The Church of Sweden's ecumenical responsibilities would have made it natural to take responsibility in the first place for the ecumenical commitments that have been made within the Lutheran World Federation and the Porvoo Communion. These ecumenical commitments have been considered in motion 2009:28

By acting precipitously with reference to an alleged shortage of time, the Church of Sweden lessens the possibilities of taking part in the construction of ecumenical fellowships and platforms. Deepening the ecumenical dialogue is a necessity for every church that wants to promote the visible unity that is ecumenism's loadstar and goal.

Building unity can be facilitated in times of extreme pressure. Instead of taking the opportunity of seeking profounder unity under the pressure that has been generated by the new Marriage Code, shortage of time is said to be a cause of the Church of Sweden distancing itself from the communities of which it has long been a constructive part. Such an attitude is ecumenically indefensible.

Uppsala, 23 September 2009

Lennart Sacrédeus

Birgitta Wrede

Separate statementG 2009:2
Annex 2

The Church Board's drafting of the matter of a broader concept of marriage, a new order of marriage and the decision it now proposes to the Church Synod entails a retreat from the most fundamental principle of Christian unity, namely the unity with the triune God as He speaks in Holy Scripture. This now leads to conflicts internally in our church and in relation to other churches in Sweden and internationally. The lack of internal and external consultation underscores that at national level the Church of Sweden is now embarking on a disruptive path, headstrong in relation to God and fellow Christians but apprehensive in relation to political power.

Uppsala, 23 September 2009

Fredrik Sidenvall

**Church Synod
Canon Law Committee
consultative response 2009:3 y**

Wedding and marriage

To the Committee on Liturgy

The Canon Law Committee's consultative response to Church Board Official Communication 2009:6

The Canon Law Committee finds that the Communication from the Church Board has been drafted in the way prescribed by the Church Ordinance and its preparatory documents.

The preambles to the sections or chapters of the Church Ordinance function as theological motivations of the provisions which are to be examined by the Canon Law Committee. The Committee has accordingly not deliberated the preamble to Chapter 23.

The Canon Law Committee finds that from the standpoint of canon law, the proposed amendments to Chapters 23, 42 and 56 in the Church Ordinance can be made.

The proposed amendment to the Church Ordinance in accordance with reservation 3 is also admissible from the standpoint of canon law.

The Canon Law Committee has consented to its response having appended to it a reservation from two members, Karl-Gunnar Svensson and Anders Roos, and a separate statement from an alternate, Dag Sandahl.

Uppsala, 24 September 2009

On behalf of the Canon Law Committee

Lars Johnsson, chairman

Göran Oscarsson, secretary

Bengt Stigner, secretary

Decision-makers: Lars Johnsson, chairman, Jösta Claeson, Mari Lönnerblad, Jan-Erik Forsberg, Carl Korch, Lennart Andersson, Inger Persson, Stig-Göran Fransson, Sonja Grunselius, Gunnel Lagerkvist, Inger Dafgård, Anders Roos, Karl-Gunnar Svensson, Vivianne Wetterling and Eric Muhl

Also present at the time of the decision: Nanna Tranströmer, Jerry Adbo, Irene Gustafsson, Olle Reichenberg, Mikael Härdig, Anders Linger, Bo Grafström, Anders Novak, Birgit Friggebo, Eva Hallström, Dag Sandahl and Rolf Persson

Biskop Thomas Söderberg has participated in the Committee's deliberations.

The provisions and texts that are included in the Church Ordinance shall comply with canon law and also express the Church of Sweden's faith, confession and doctrine. The doctrinal aspects of the amendments to the Church Ordinance that are proposed in Church Board Communication KsSkr 2009:6 have been examined by the Commission on Doctrine. The canonical aspects have been examined by the Canon Law Committee. Both instances have found that the proposed changes are possible. However, unanimity could not be achieved.

From different starting-points, many consider that the amendments to the current provisions which the Church Board's proposals entail are so great that they involve decisive changes in the Church of Sweden's faith, confession and doctrine on marriage. These changes represent something positive for many; for others they mean that the Church of Sweden is moving in a direction that is unacceptable.

The proposed amendments have been drafted in a hurry on account of the Riksdag's decision to adopt a gender-neutral Marriage Code.

To us it seems that fear of losing an exercise of authority has meant that texts which ought to have been examined more thoroughly can now be included in the Church Ordinance, texts that it can be difficult to amend in the light of further theological deliberation.

We therefore consider that in its response the Canon Law Committee should have expressed doubts about so hurriedly amending the Church Ordinance with texts and provisions – on issues that are decisive for faith, confession and doctrine – that risk leading to dissension in the Church of Sweden.

Anders Roos

Karl-Gunnar Svensson

Separate statement

The Canon Law Committee has deliberated the status of preambles in the Church Ordinance and in more or less technical terms considered how new paragraphs harmonise with others in the Ordinance.

The Committee has not, however, raised the canonical issue of principle: whether the amendments to the paragraphs are compatible with the documents that govern the Church of Sweden, that is, the Bible and the confession. Evangelical Lutheran tradition holds that the church cannot teach and introduce anything that conflicts with the Bible, which is the church's supreme standard. That is happening now. The matter would have been worth a canonical examination but for that the Committee would have needed to work in a different and more theologically complex way.

Dag Sandahl

**Church Synod
Canon Law Committee
consultative response 2009:6y**

Marriage – a proposed compromise

To the Committee on Liturgy

The Canon Law Committee's consultative response to motion 2009:95

Item 5 in the motion proposes that the Church Synod inserts a paragraph that authorises the Church Board to issue provisions for the formation and use of an order of marriage for same-sex couples.

The Canon Law Committee finds that the proposed provision is canonically possible to introduce.

Decisions about orders of divine service belong to the competence of the Church Synod (Chapter 10, §2 of the Church Ordinance). The Committee does not find it appropriate to delegate such matters.

Moreover, an operative date is lacking.

The Canon Law Committee recommends the rejection of the proposal in item 5 of the motion.

Uppsala, 24 September 2009

On behalf of the Canon Law Committee

Lars Johnsson, chairman

Bengt Stigner, secretary

Decision-makers: Lars Johnsson, chairman, Jösta Claeson, Mari Lönnerblad, Jan-Erik Forsberg, Carl Korch, Lennart Andersson, Inger Persson, Stig-Göran Fransson, Sonja Grunselius, Gunnel Lagerkvist, Inger Dafgård, Anders Roos, Karl-Gunnar Svensson, Vivianne Wetterling, Eric Muhl.

Also present at the time of the decision: Nanna Tranströmer, Jerry Adbo, Irene Gustafsson, Olle Reichenberg, Mikael Härdig, Anders Linger, Bo Grafström, Anders Novak, Birgit Friggebo, Eva Hallström, Dag Sandahl, Rolf Persson.

Biskop Thomas Söderberg has participated in the Committee's deliberations.