

DISSENT AND COMPLAINT AGAINST A DECISION OF THE PRESBYTERY OF ABERDEEN

We, Ian Aitken, Peter Dickson, Scott Guy, Louis Kinsey, Hugh Wallace, Nigel Parker, Dominic Smart, Thomas Scott, Malcolm Maclennan, Hazel Hewitt, George Wilson, and Jean Main appeal against a decision of the Presbytery of Aberdeen on the 6th January 2009 to sustain the call from the congregation of Queen's Cross to the Rev. Scott Rennie for the following reasons:

1. Scott Rennie was presented by the Nominating Committee of Queen's Cross Parish Church as sole nominee and was elected by a majority vote, after which the call was left to lie for the prescribed period. At the service at which Mr Rennie preached as Sole Nominee a document giving some of his biographical details was circulated with Mr Rennie's consent which read, "he now shares a committed relationship with his Christian partner David". Following informal expressions of concern from members of Presbytery and the congregation, the Presbytery Clerks, acting under powers and with the approval of the Presbytery's Vacancy Procedure Committee, called an in hunc effectum meeting of presbytery for 6th January 2009 to deal with the matter of the call of Queen's Cross Parish Church to Rev Scott Rennie. The Presbytery voted in favour of sustaining the call.
2. In the act of Ordination and Induction the Church of Scotland declares that the Scriptures of the Old and New Testament are the supreme rule of faith and life in the Church of Scotland.
3. The Scriptures of the Old and New Testament, when they take up the subject of same-sex activity, present it as a wrong choice.
4. This is the historic and orthodox position of the Church from which it has not departed.
5. The report to the General Assembly in 2007 entitled A Challenge to Unity recognised "the strong measure of agreement on the question of homosexual orientation...having a homosexual orientation is not a matter for censure...[and] should not be a barrier to any role in the church..." (4.17.7). However, it also recognised the disagreement that exists within the Church over "the matter of homosexual activity" (4.17.8).
6. In receiving the report A Challenge to Unity in 2007 the General Assembly has urged 'Church members to commit themselves to ways of prayerful dialogue over the controversial questions which arise.' (Deliverance of the Mission and Discipleship Council, 2007, no. 3)
7. The ordination and induction of active homosexuals has never been the accepted practice of the Church of Scotland or the Church catholic, except where there has first been a clear debate and decision to ordain active homosexuals.
8. Aberdeen Presbytery was therefore wrong to take a decision that was contrary to the stated position and practice of the Church in sustaining the call to a minister in a self professed active homosexual relationship.

9. The Presbytery of Aberdeen, in sustaining the call to a minister in an avowedly active homosexual relationship, has also acted contrary to the commitment to 'prayerful dialogue' urged on us all by the General Assembly of 2007.

The Rev Ian Aitken, New Stockethill Parish Church

The Rev Peter Dickson, High Church Hilton

The Rev Scott Guy, Northfield Parish Church

The Rev Louis Kinsey, St Columba's Parish Church

The Rev Hugh Wallace, Newhills Parish Church

The Rev Dr. Nigel Parker, Bucksburn Stoneywood Parish Church

The Rev Dominic Smart, Gilcomston South Parish Church

Mr Thomas Scott, Presbytery Elder, Gilcomston South Parish Church

Mr Malcolm Maclennan, Elected Elder, Woodside Parish Church

Mrs Hazel Hewitt, Presbytery Elder, South of St Nicholas Kincorth Parish Church

Mr George Wilson, Presbytery Elder, St Columba's Parish Church

Mrs Jean Main, Presbytery Elder, High Church Hilton

ANSWERS OF THE PRESBYTERY OF ABERDEEN

This paper presents the Reply to the Complaint which has been lodged by Ian Aitken, Peter Dickson, Scott Guy, Louis Kinsey, Hugh Wallace, Nigel Parker, Dominic Smart, Thomas Scott, Malcolm Maclennan, Hazel Hewitt, George Wilson and Jean Main against the decision of the Presbytery of Aberdeen, taken on the 6th January 2009, to sustain the Call from the congregation of Queen's Cross Parish Church to the Rev Scott Rennie.

Introduction:

Each numbered section of the Reply should be read in relation to the corresponding numbered section within the Complaint. It should be noted, that in responding to points numbered 1 to 7, the Presbytery is not conceding that there is a case to answer in relation to any of these points. It is contended that sections 8 and 9 of the Reply provide adequate reasons why the Presbytery of Aberdeen was right to sustain the Call and that these reasons are self-standing.

Numbered Responses:

1. The Complaint does not provide an accurate account of the procedures which were followed by the Presbytery of Aberdeen. The Clerks did not *'act under powers'* to call the *in hunc effectum* meeting on 6th January 2009. Instead the *in hunc effectum* meeting was properly called at the Ordinary Meeting on 2nd December 2008 and this decision is recorded in the Presbytery minutes.
2. The Complaint distorts the declaration, which is made in the Church of Scotland's service of Ordination and/or Induction. The Ordinal actually states that, *'The Church of Scotland acknowledges the Word of God*

which is contained in the Scriptures of the Old and New Testaments to be the supreme rule of faith and life.' This statement has its origins in the first of the *Articles Declaratory* which declares, *'The Church of Scotland adheres to the Scottish Reformation; receives the Word of God which is contained in the Scriptures of the Old and New Testaments as its supreme rule of faith and life; and avows the fundamental doctrines of the Catholic faith founded thereupon.'*

Thus, in the historical tradition of the Church of Scotland, it is the *'Word of God'*, which is identified as being the supreme rule of faith and life. The *'Word of God'* is not synonymous with the Scriptures, but it can, in part, be discerned from the Scriptures through prayer and through the inspiration of the Holy Spirit. In its report to the General Assembly in 1973 (page 221 of the Reports to the General Assembly), the Panel on Doctrine described the threefold nature of God's Word, declaring, *'The Word of God, then, has three forms: the Word made flesh, the written Word, and the proclaimed Word.'* After receiving a report from the Panel on Doctrine in 1998, the General Assembly resolved (in section 3 of the associated deliverance), to *'affirm the conclusion drawn in the report that, drawing from a common Gospel, there is a variety of ways of interpreting Scripture, always under the guidance of the Holy Spirit.'* When considering the issue of same-sex relationships, the 2007 report of the Mission and Discipleship Council *'A Challenge to Unity'* acknowledged, *'Theology reflects on Scripture. But theology is also formed by our own individual experience and that of the people of God as a whole, in life and liturgy'* (4.11.4.)

3. In accordance with the above, the scriptural passages that deal with the subject of same-sex activity require discernment and interpretation. As a result of this, a range of differing views is sincerely held within the Church of Scotland in relation to the meaning and application of these passages. This would also be true in relation to other moral issues, such as divorce: in this regard, the report '*A Challenge to Unity*' questioned why traditional interpreters might regard scriptural prohibitions on homosexuality as decisive, while statements, for instance, prohibiting women's leadership or the remarriage of divorcees might not be (M&D, 2007, 4.11.7.). Many would question whether the contexts of passages which refer to same-sex activity can be identified with the modern phenomenon of a committed and faithful same-sex partnership. The Bible does not directly address the concept of open, stable homosexual relationships that are essentially a feature of modern society and which did not exist in their current form in the biblical world.
4. The notion that the Church of Scotland holds an '*orthodox position*' on the matter of same-sex activity is unconstitutional. On the basis of the *Articles Declaratory*, the concept of 'orthodoxy' (as opposed to 'heresy') can only be applied to '*the fundamental doctrines*'. In contrast, the Church of Scotland recognises '*liberty of opinion on such points of doctrine as do not enter into the substance of the faith*', even in relation to the *Westminster Confession of Faith*. Such '*liberty of opinion*' would extend to the Church's stance on same-sex activity, which is neither creedal nor confessional. As a result of this, it is perfectly permissible for different views to be held within the Church of Scotland on the matter of same-sex activity.
5. While recognising that disagreement exists within the Church on the matter of same-sex activity, the report '*A Challenge to Unity*' also acknowledges that many consider the distinction between homosexual orientation and activity to be untenable and unfair. The report states, '*For them, traditional prohibitions on homosexual activity must be reconsidered, with a greater weight being given in scriptural interpretation and moral discernment to love, faithfulness, honesty, selflessness and other reflections of God's incarnate love.*' (4.17.8.)
6. The Presbytery of Aberdeen has been engaging in prayerful dialogue in relation to this issue and further comment is made in this regard under section 9 below.
7. It has not been the practice of the Church of Scotland to enquire about the sexual practices of candidates for the ministry in the course of their selection or training. Moreover, there is no Act or Regulation of the General Assembly, which specifies that '*active homosexuals*' should be disqualified from ordination and/or induction.
- In 2007, the General Assembly ratified Act V Anent Discrimination, which provides protection for those who work within the Church's independent spiritual jurisdiction. Section 1(a) of this Act clearly sets out the protected grounds namely: '*age, gender, marital status, colour, racial group, ethnic origin, national origin, nationality, sexual orientation or disability*'. This Act specifically forbids discrimination '*that affects the selection, appointment, translation or training of any minister of Word and Sacrament to whom the provisions of civil employment law do not apply ...*'
- It should be noted that when Act V was presented to the General Assembly, it was accompanied by a Joint Report of the Ministries Council and the Legal Questions Committee. Section 1.4 of this report described two options that were facing the Church,

either *'to provide remedies within our own jurisdiction which give reasonable equivalence of protection or to allow those who should be protected to seek remedies in the civil law.'* In relation to parish ministers, the Church chose the former option, but when considering the implications of *'reasonable equivalence'* it should be noted that civil legislation does not distinguish between sexual *'orientation'* and *'practice'*. Moreover, in relation to the Church's understanding of Act V, an individual would not be prohibited from giving physical or emotional expression to any of the other *'protected grounds'* which are listed.

8. The Complaint asserts that Aberdeen Presbytery was *'wrong'* to sustain the call *'to a minister in a self-professed active homosexual relationship'*. This assessment of Mr Rennie's relationship is based entirely on inference and no such assertion is made in the biographical document, which is mentioned in section 1 of the Complaint. The document states, *'He now shares a committed relationship with his Christian partner David'*. The wording of this document does not provide an adequate foundation for the assertions which have been made within the Complaint. Furthermore, if Mr Rennie's dignity and human rights are to be respected, then he cannot be expected to provide additional information about his personal life. (It should be further noted that, while the Presbytery fully respects the right of the Church to form its own laws, it is concerned that nothing should be done in contravention of the European Convention on Human Rights or the jurisprudence of the European Court of Justice.)

At the *in hunc effectum* meeting on 6th January, the Presbytery of Aberdeen was considering a Call to a minister who was in good standing in another Presbytery. Mr Rennie was not under the discipline of the Presbytery of Aberdeen and it would therefore

have been beyond the scope of the Presbytery's powers to examine or to criticise his personal conduct. Mr Rennie was not present at the meeting and so any judgement that his conduct was worthy of censure would have entailed a breach of natural justice.

The Presbytery of Aberdeen cannot be judged to have behaved *'wrongly'*, since it complied fully with the requirements of Act VIII (2003), which specifies the requisite procedures when a Call is being considered. Section 28 (2) (a) of this Act states, that when deciding whether to sustain an appointment, a Presbytery shall *'... give consideration to the number of signatures on the Call.'* The Act does not identify any other specific criteria (*eg* personal circumstances), which ought to be considered by a Presbytery in relation to a Call. It is therefore fair to conclude that the number of signatures on any Call is a highly significant factor. It was reported to Presbytery that the Call to the Rev Scott Rennie, from Queen's Cross Church, had been signed by 246 people on the electoral roll and that a further 13 individuals had signed papers of concurrence. This involved a considerable proportion of those on the electoral roll and compared favourably with Calls received from other charges within the bounds.

When considering the Call, Presbytery was addressed by Mr David Scott, the Secretary of the Nominating Committee of Queen's Cross Church. Mr Scott stated, *'We are confident that in calling Scott Rennie as the next minister at Queen's Cross we will find ourselves with a great leader, preacher and pastor, who will serve the people of Queen's Cross well. We firmly believe that God is calling Scott to be our minister.'* Through its Call, the congregation of Queen's Cross has expressed its confidence that Scott Rennie may be their Minister and that his ministry will be acceptable to them. This

affirmation has been made in full knowledge of the biographical leaflet, which was circulated. The rights of a congregation to choose their own minister are deeply rooted in the traditions of the Church of Scotland and the denial of those rights was a significant cause of the Disruption in 1843. To deny a congregation its right to call would have serious implications for the Church of Scotland, which go beyond the issues of human sexuality. The fact that the congregation of Queen's Cross has chosen to call Mr Rennie has been compelling for many members of Presbytery.

In view of the above points, it would have been '*wrong*' for the Presbytery of Aberdeen to refuse to sustain the Call.

9. As in section 8 above, the complainants' assessment of Mr Rennie is based on inference and cannot be considered to be an appropriate premise for refusing to sustain the Call.

Moreover, the Presbytery of Aberdeen has responded proactively to the General Assembly's urging of prayerful dialogue (section 3 of the deliverance

of the Mission and Discipleship Council, 2007). In October 2008 the Presbytery met in conference and participated in group-discussions led by the Rev Donald MacEwan, Secretary of the Mission and Discipleship Council's Working Group on Human Sexuality. Use was made of discussion materials, which had been prepared by the Mission and Discipleship Council.

Many of the individuals who participated in the Presbytery meeting on 6th January did so after engaging in prayerful reflection in relation to the issues. It was also clear that they took part in the debate with a defined spiritual perspective and theological interpretation of the issues. This prayerful dialogue continued throughout the conduct of the meeting, as those with different views were allowed to express them. As a result, the eventual decision of Presbytery was firmly made in the spirit of prayerful dialogue. The Complaint assumes that 'prayerful dialogue' could only have resulted in the Call being refused. On the contrary, in this instance 'prayerful dialogue' resulted in the Call being sustained. Contrary, in this instance 'prayerful dialogue' resulted in the Call being sustained.