

Catholic magazine says Same Sex Marriage Bill will disestablish the Church of England

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The Catholic weekly magazine *The Tablet* carried an editorial in its 25 May edition predicting that the legalisation of gay marriage will weaken, if not completely end, the establishment of the Church of England.

The paper says that:

"It is as if the nation is taking a significant step towards disestablishment in a fit of absent-mindedness. Perhaps not so absent-minded on the part of the more vociferous secularists, however, who have been aware all along of the potential for the gay-marriage issue to further their own agenda. They needed the Church to do its best to stop the legislation, and fail. Although the battle is not yet finished, events do appear to be going their way."

The editorial goes on to say:

The clergy of the Church of England solemnise about a quarter of all marriages in England, and so far the law of marriage they administer has been the law of the land.

This is unlike the case of the Catholic, Jewish or Muslim communities, who have their own marriage laws, customs and courts where their own doctrines of marriage take precedence. Thus the law of the land can say two people are married, but the internal regulations of each faith community can still maintain that they are not. They can ignore the civil recognition of gay marriages if they want to, in a way the Church of England cannot.

At least until the gay-marriage legislation becomes law, those that the common law of England says are married are those the Established Church says are married, and vice versa, with no distinction.

In a briefing note to MPs, the Church of England explained that "the assertion that 'religious marriage' will be unaffected by the proposals" was misleading, as "at present there is one single institution and legal definition of marriage, entered into via a civil or religious ceremony. Talk of 'civil' and 'religious' marriage is erroneous ... "

Henceforth, if and when gay marriage becomes law, the Church of England will be like the Catholic, Muslim and most Jewish communities in having a definition of marriage that excludes same-sex couples. The Government has drafted legal protection for the Church of England that in effect bans it from marrying gay couples. But that will put in place the very distinction between "civil and religious marriage" which the briefing document rejected, the absence of which has until now been one of the defining characteristics of the Church of England's unique status.

So the Church is being forced to move towards becoming a private self-governing institution with its own internal rules, alongside other institutions in civil society – in other words, towards disestablishment. Some inside the Church of England will welcome that as good for the Church. But the larger question for the rest of society, including other faith communities, is whether that is good for everyone else.

Indeed, some outside will hail it as a further step towards the exclusion of religion from the public square, where faith becomes a purely private matter. That is precisely how the victory for gay marriage has been greeted in France.

Terry Sanderson

Terry Sanderson was the former president of the National Secular Society. The views expressed in our blogs are those of the author and may not necessarily represent the views of the NSS.

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