

THE CRISIS IN MORAL TEACHING in the Episcopal Church

Edited by
Timothy F. Sedgwick
and
Philip Turner

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voice in the process and the actual teachings of the church. What sometimes may appear as chaos and the loss of identity may in fact reflect what is most important to the identity and integrity of the Christian community.

The development of moral teachings on the part of the church is a matter of ecclesial polity or governance. The hope of the contributors to this volume is that this work may serve that task, especially in clarifying the purpose of moral teachings: "Who speaks for the church to whom on what? Why? And how?"

Endnotes

1. Paul Ramsey, *Who Speaks for the Church?* (Nashville: Abingdon, 1967).
2. James M. Gustafson, *Protestant and Roman Catholic Ethics* (Chicago: University of Chicago Press, 1978), p. 130.
3. Robert Hood's *Social Teachings in the Episcopal Church* (Harrisburg, PA: Morehouse Publishing, 1990) is the only other study that provides some such historical summary.

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Decorum as Doctrine: Teachings on Human Sexuality

Harmon L. Smith

"Human sexuality" is a protean phrase which nowadays covers an extraordinarily broad area of human affairs, and whose boundaries are far from fixed. It has been variously employed to address queries ranging from "why do we behave sexually?" to "how do we behave sexually?" to "how ought we behave sexually?" And in one context or another it has elicited comment on a long, but probably not yet exhaustive, list of topics.

Biological structures and functions of genitalia and reproductive systems and organs, abortion, celibacy, contraception, pornography, pedophilia, incest, sterilization, sexuality and aging, bestiality, genetic anomalies (such as the Triple-X, XXY, XO, and XYY syndromes), transvestism, autoeroticism, fetishism, transsexual surgery, oral-genital stimulation, necrophilia, voyeurism, exhibitionism, sadomasochism, sexual malfunction (e.g., impotence, premature ejaculation, frigidity, dyspareunia), brain and spinal cord injury sexuality, homosexuality, marriage, "enhancements" (the euphemism for breast augmentation, hip reduction, penile implant, *et al.*), new reproductive technologies (including artificial insemination, in vitro fertilization, and surrogacy), prenatal diagnostics, divorce, monogamy, polygamy, and remarriage—these topics indicate something of the breadth and depth which that list encompasses.

It is not unusual that active moralists turn to the church for endorsement of their causes—sometimes for political reasons, sometimes for the sake of sentimentality, and sometimes because conscience niggles when its sense of what is good and right does not enjoy the church's blessing. Blue Book reports of the Standing Commission on Human Affairs and Health and the proceedings of recently established diocesan commis-

sions make it clear that many of these topics have been considered *in camera*. It is equally clear from the journals of General Convention that relatively few of them have surfaced on the floor for legislative consideration. Careful exegesis and extensive analysis would suggest far-reaching implications for teachings on human sexuality from resolutions which have, in fact, been adopted by Convention; but that task is beyond our borders here. Above all else that is signified by these observations, it is manifest that the occasion and ethos of General Convention is better suited to conducting other kinds of business than serious and sober promulgation of theological and ethical teachings.

For too long the lack of sustained and coherent theological reflection on the nature and meaning of human sexuality, and of Christian marriage in particular, has prevented the Episcopal Church from identifying crucial moral issues, providing teaching which enables engagement with and appropriation of Christian faith with regard to human sexuality, and informing and instructing the conscience of its communicants. In consequence, ECUSA—like most other contemporary main-line churches—has become captive to an agenda which is in principle largely not its own but is dictated by its envioning culture.

Unsurprisingly, the Episcopal Church in the United States of America has not made official pronouncement on all, or even most, of these matters concerning human sexuality. The list of issues is long, sometimes scientifically complex, and understandably daunting; but beyond that, a large number of these matters received extensive (and many think, adequate) attention centuries ago, and others appear to be too recent for knowledgeable and discriminating ecclesial comment. Perhaps more to the point as expressive of the present state of ECUSA, and suggesting once more that fact may be stranger than fiction, even the presiding bishop has stated that General Convention is still in debate on the topic of sexuality and that "it is the mind of the House" that debate and dialogue be continued.

The 1988 General Convention confirmed that Joan Rivers' signature line "Can we talk?" is descriptively accurate of this church's current disposition. On the sixth day of Convention, a resolution was introduced that ECUSA adopt as its own a 1987 resolution of the General Synod of the Church of England which stated:

... that the biblical and traditional teaching on chastity and fidelity in personal relationships is a response to, and expression of, God's love for each one of us. . . .

1. that sexual intercourse is an act of total commitment which belongs properly within a permanent marriage relationship;
2. that fornication and adultery are sins against this ideal, and are to be met by a call to repentance and the exercise of compassion;
3. that homosexual genital acts also fall short of this ideal, and are likewise to be met by a call to repentance and the exercise of compassion;
4. that all Christians are called to be exemplary in all spheres of morality, including sexual morality, and that holiness of life is particularly required for Christian leaders.¹

Following debate, the resolution reappeared on the eighth day in a substantively revised, and in comparison anemic, form as Report #83 of the Committee on Social and Urban Affairs. In this version, the preface to the four salient points, together with the fourth point, were incorporated into an introduction; points 1, 2, and 3 were omitted in their entirety; and three new "resolveds" were introduced. Following some debate and modest amendment, Resolution D120s was adopted. It provides:

1. that each diocese and congregation be strongly urged to provide opportunities for "open dialogue on human sexuality, in which we, as members of this church, both heterosexual and homosexual, may study, pray, listen to and share our convictions and concerns, our search for stable, loving, and committed relationships, and our journey toward wholeness and holiness";
2. that "Scripture, tradition, reason and experience, supplemented by the 1976, 1979, 1982, and 1985 statements from the General Convention on human sexuality, the resolution adopted by the General Synod of the Church of England in November, 1987, and the 1988 report of the Standing Commission on Human Affairs and Health, and ongoing scientific research be commended for use in this dialogue. . . ."
3. and that dioceses and congregations report to the

Standing Commission on Human Affairs and Health, who are to "evaluate the reports and produce a composite report for presentation to the 70th General Convention."

Human sexuality issues were also prominent (and volatile!) at the 70th General Convention. Shortly before the Phoenix meeting convened in 1991, and despite a request from the presiding bishop that he refrain, the Rt. Rev. Ronald Haines, bishop of Washington, ordained an avowed lesbian to the priesthood. Bishop Browning had said that the ordination could "trigger the sort of attention that may make positive dialogue more difficult." Bishop Haines responded that, although his decision might be disappointing and upsetting, he was "not convinced that homosexuality in itself should be a bar to ordination in every case."

Before Convention adjourned, a resolution to censure Bishop Haines (together with the former assisting bishop of Newark, the Rt. Rev. Walter Righter) was introduced in the House of Bishops by retired bishop Gerald McAllister (of Oklahoma). Bishop McAllister's motion was defeated; in its place the bishops adopted a resolution which recognized "the pain and damage to the collegiality and credibility of this house and to parts of the whole church when individual bishops and dioceses ordain sexually active gay and lesbian persons in the face of repeated statements of this House of Bishops and the General Convention against such ordinations."

In preparation for the 70th General Convention, the Rt. Rev. William Frey, dean of Trinity Episcopal School for Ministry, introduced a proposed canon which would explicitly require clergy to abstain from sexual intercourse outside of Holy Matrimony. This resolution, even after revision and emendation, failed. In its place the delegates adopted yet another "compromise resolution," this one:

- a) affirming the church's traditional teaching on marriage (namely, that "physical sexual expression is appropriate only within the life-long monogamous union of husband and wife"),
- b) acknowledging "discontinuity" between the church's teaching and the experience of some of its members,
- c) confessing the inability of our leaders to come to a definite conclusion on these matters, and

d) calling for continued study and a "pastoral teaching" by the bishops with contributions from grass roots clergy and laity.

While this is the latest statement from Convention, there have been other resolutions over the past four decades which speak more directly and materially to issues associated with human sexuality. Because they are sometimes confused, it may be useful to observe here that theological ethics and pastoral care are related but neither synonymous nor identical and that these resolutions are meant to display ECUSA's formal (and most think, official) moral teaching. They are, accordingly, exempla of ECUSA's theological ethics. And while pastoral care may moderate these teachings, it may not materially change them.

From 1949 to the present, three topics have emerged with a measure of prominence in ECUSA's resolutions: marriage, ordaining a homosexual person, and blessing same-sex unions. As it happens, these three topics are distinguishable but not separable; each one impinges in discrete, and sometimes subtle, ways on the other two. Beyond our reach here, each one also has a long and complex history which displays its own evolving identity together with its relationship(s) with presiding cultural practices and religious beliefs. It may appear somewhat arbitrary to choose one of them as a starting point; on the other hand, marriage comprises in many ways the penumbra concept under which much of the current discussion proceeds.

Teachings on Marriage

Marriage was not made a sacrament in the Western church until the Fourth Lateran Council in 1215. Prior to that time, marriage appears to have been largely defined by the legal contract and regarded as a family matter, to which the church might or might not add its blessing. The most articulate theologian on these matters, St. Augustine, had held that our sexual impulses are sinful because they not only distract us from God but also constitute the means by which we communicate Adamic/original sin to our progeny. This would appear to leave us in an awkward, if not intractable, difficulty with respect both to certain biblical mandates and the perpetuation of the race. Marriage alone could not be justified because it presupposed sexual intimacy. Augustine's contemporary, St. Jerome, concluded that the only good which could come from

marriage was children who would themselves be celibate! But Augustine's fertile and pious imagination offered a creative and novel outlet: the procreation of children rescues, and even sanctifies, sexual intercourse, and the indissolubility of marriage provides a stable and nurturing context for the family.

When the Fourth Lateran Council made marriage a sacrament in the Western church, it did nothing to modify the basic elements of Augustinian theology. It is not surprising, then, that when "the causes for which matrimony was ordained" appeared in the 1549 Prayer Book, more than 300 years later, they followed in sequence the principal features which the church (either tacitly or explicitly) had embraced since the fourth century: marriage is licit for Christians for the procreation of children, as a remedy against sin, and for the mutual society, help, and comfort of each other.

In his monumental *Commentary on the American Prayer Book*, Marion Hatchett provided an astonishing historical perspective on the marriage rite. First he cites the exhortation of the 1549 Prayer Book, which contained the classical "causes for which matrimony was ordained":

One cause was the procreation of children, to be brought up in the fear and nurture of the Lord, and praise of God. Secondly, it was ordained for a remedy against sin, and to avoid fornication, that such persons as be married might live chastely in matrimony, and keep themselves undefiled members of Christ's body. Thirdly, for the mutual society, help, and comfort that the one ought to have of the other, both in prosperity and adversity. Into the which holy estate these two persons present come now to be joined.⁵

Then he observed that the section on the purposes of marriage was (inexplicably?) deleted, not only from the exhortation but entirely, in the first American Prayer Book of 1789.⁶

Trying to imagine how the traditional theological and liturgical reasons for including these purposes happened to be dismissed is not easy. The difficulty is only escalated when one tries also to imagine how the anthropological, economic, and sociological reasons for having large families in this new land could be so summarily and similarly disregarded. In a single omission, both Christian tradition and existential location were abandoned!

Any comment whatever on the purposes of marriage remained absent from American Prayer Books for 160 years,

until 1949, when that feature from the 1549 Prayer Book was restored in a rephrased and reordered way by Canon I.17.3. When the 1949 Committee on Constitution and Canons recommended adoption of what we now know as the "Declaration of Intention" (Canon I.18.3[d]), it prefaced the resolution by declaring: "Certain additions and clarification *which do not deal with doctrine* seem desirable, and provisions should be made for further study of the matter." That the declaration would "not deal with doctrine" belies both the substance of the resolution and its original intention. In its further revised form, the "Declaration of Intention" currently states:

We, A.B. and C.D., desiring to receive the blessing of Holy Matrimony in the Church, do solemnly declare that we hold marriage to be a lifelong union of husband and wife as it is set forth in the *Book of Common Prayer*.

We believe that the union of husband and wife, in heart, body, and mind, is intended by God for their mutual joy; for the help and comfort given one another in prosperity and adversity; and, when it is God's will, for the procreation of children and their nurture in the knowledge and love of the Lord.

And we do engage ourselves, so far as in us lies, to make our utmost effort to establish this relationship and to seek God's help thereto.

The entire second paragraph of this declaration is incorporated into the exhortation which introduces the marriage rite in the 1979 *Book of Common Prayer*.⁸ The first paragraph of the declaration makes it plain that Holy Matrimony is a joining of man and woman; there is no mention anywhere in the exhortation of marriage as a "lifelong union of husband and wife." That intention of indissolubility does occur, however, as the final element in the consents, which are exchanged immediately following the exhortation.

A further question arises when the Prayer Book does not explain, nor is it otherwise made clear in rubrics or canons, why the only prayer among those in the 1979 marriage rite which is specifically marked as "may be omitted" is the one which speaks of procreation: "Bestow on them, if it is your will, the gift and heritage of children, and the grace to bring them up to know you, to love you, and to serve you." Whether to include this prayer seems to be an enigmatic, if not in some respects an anomalous, choice. On the face of it, the rubric

appears to make the procreation of children optional according to a couple's preference; but both the marriage canon and the exhortation appear to leave the matter of having or not having the blessing of children dependent upon God's will. What has changed, of course, and what requires our sympathetic attention and critical reflection, is the means by which we understand and respond to God's will. In this case, we appear to have moved from identification of God's will with the (natural) biological process of reproduction to human discernment and private choice. Some believe that such a circumstance represents our confusion about the respective roles of human and divine authority; others will think that this is a muddle more broadly about the purposes of human sexuality and the place of human interventions in biological processes; and still others will claim that it merely reflects this church's commitment to a *via media*. All are probably correct.⁹ What appears to be indisputably clear is that here is yet another example of making important changes which reflect different theological understandings *without* ever identifying those diverse (and probably dissonant) understandings.

In the proceedings of this 1949 Convention, there is no account of why the explicit intention of the House of Bishops Committee, which meant to have the church's doctrine agreed to and accepted by prospective marriage partners, was explicitly altered to the converse position when the Committee on Constitution and Canons recommended adoption of the canon. That is a serious move which preserved the form, but not the substance, of the church's teaching and doctrine. One is left to wonder just how it might be that the acknowledged purposes of marriage could ignore, or fail to deal directly with, the church's doctrine of Holy Matrimony.¹⁰

While certain features of this church's understanding of Christian marriage are clear from the canons and the marriage rite, there are others which are confusing if not patently confused. It is clear, for example, that we believe that marriage is heterosexual, monogamous, consensual, covenanted within the community of faith, with the intent to be lifelong, and to be entered into advisedly and deliberately. And it is clear that the *Book of Common Prayer's* understanding of the unitive and procreative purposes of marriage permits no unprincipled separation of these two. It is also clear that this church requires that both parties be marriageable according to the laws of the state, and that at least one of them be baptized.

Considering the broad range views among its clergy, it is not clear that ECUSA believes marriage to be a sacrament, a sign of God's grace in the world. Nor is it clear why we have reordered the purposes of marriage, subordinating the purpose of procreation to the purpose of mutual joy, or whether God or the couple will determine that their marriage is to be blessed by children, or why it is sufficient that only one of the parties be baptized. Reflecting the ambivalence in this church about whether marriage is a sacrament, it is also unclear, both to the church which blesses and to the couple seeking its blessing, what it means precisely that the church "blesses" this union; especially if, as many believe, the couple marry themselves before priest and people, who only witness the event. In sum, it is not clear who is in charge of the meaning and purpose of Christian marriage—the church or the couple—and this, in turn, raises a number of questions about whether the modifier "Christian" controls the meaning and purpose of marriage, or whether "Christian" functions as a gloss, a dispensable adjunct, to what are fundamentally secular or pagan or legal understandings.

There is probably broad agreement that each age must recast, and possibly rewrite, a theology of marriage in order to connect its time with the meaning of the marriage covenant to which Christ himself witnessed in his own time.¹¹ And that process may well be what these rephrasings and reorderings in our rites and canons are about. But ECUSA has tended to approach this task unsystematically, and as a result *ad hoc* revisions and resolutions have invited lacunae, inconsistencies, and (quite literally) contradictions. Such an outcome in itself is not surprising, as anyone familiar with archaisms in the civil and criminal statutory law knows. It happens because zeal for a particular piece of legislation exceeds commitment to cogency and coherence in the positive law. All the same, the long-term price for this enthusiasm may be larger than its immediate benefits. With the statutory law, people innocent of any part in its revision are obliged to pay for clarity and definition through costly litigation. With canon law, and particularly as it is adjudicated in this church, the costs may be greater because they will entail not only money, but trust, commitment, and faith.

So a number of obvious questions occur about ECUSA's teachings on marriage. For a direct example we might ask: do we as a church still believe what Augustine taught with

respect to these matters? Answers may seem equally obvious: to this direct question, for example, experience suggests that plainly we do not. And if we do not believe what Augustine taught, what, if anything, do we offer in its place?

As it happens, we do in fact continue to share some of the same language, even some of the same conceptual apparatus, with Augustine, but they do not seem to bear the same freighted meanings. Here is a wonderful illustration of what Alasdair MacIntyre has called "simulacra of morality," a situation marked by possession of bits and pieces of what were once cogent and coherent conceptual schemes, but which are used now as fragments lacking those contexts from which their significance derived.¹² Still, as the puzzling juxtaposition of the current marriage canon, exhortation, and prayers suggests, not believing these things apparently does not mean abandoning them. We often retain a form of the church's historical teaching which is more recognizable than its substance.

Ordaining a Homosexual Person

ECUSA's lack of a cogent and coherent theology of Christian marriage, and of human sexuality more generally, has plainly taxed its tortured (and sometimes turgid) utterances on homosexuality. Following a resolution by the 65th General Convention in 1976, which stated that "homosexual persons are children of God who have a full and equal claim with all other persons upon the love, acceptance, and pastoral concern and care of the Church," and in response to a mandate "to study in depth the matter of the ordination of homosexual persons and report its findings, along with recommendations . . . to the next General Convention," the first report of the newly constituted Standing Commission on Human Affairs and Health,¹³ given in 1979, contained a lengthy statement on human sexuality, together with a proposed resolution. The chair's introduction to the statement began with the descriptively accurate demurrer that this is not "a polished and definitive study but . . . a background paper on an intricate and sensitive subject."¹⁴ Similarly, the proposed resolution reflected the commission's inability to get directly and precisely to a point of definite consequence,¹⁵ although it did form the basis for the final form of the resolution which was adopted.

Omitting the several "whereas" clauses, the meat of that 1979 resolution read as follows:

Resolved, the House of Deputies concurring, That this General Convention recommend to Bishops, Pastors, Vestries, Commissions on Ministry and Standing Committees, the following considerations as they continue to exercise their proper canonical functions in the selection and approval of persons for ordination:

1. There are many human conditions, some of them in the area of sexuality, which bear upon a person's suitability for ordination;
2. Every ordinand is expected to lead a life which is 'a wholesome example to all people' (*Book of Common Prayer*, pp. 517, 532, 544). There should be no barrier to the ordination of qualified persons of either heterosexual or homosexual orientation whose behavior the Church considers wholesome;
3. We re-affirm the traditional teaching of the Church on marriage, marital fidelity and sexual chastity as the standard of Christian sexual morality. Candidates for ordination are expected to conform to this standard. Therefore, we believe it is not appropriate for this Church to ordain a practicing homosexual, or any person who is engaged in heterosexual relations outside of marriage."¹⁶

In response to this action by Convention, twenty-one bishops gave notice in a signed statement that they would not accept or implement these recommendations in their dioceses. That recusancy notwithstanding, however, this resolution remains the official position of ECUSA.¹⁷ Although the resolution explicitly rejects "barrier(s) to the ordination of qualified persons of either heterosexual or homosexual orientation," it imposes restraints on the expression and practice of that orientation.

The limiting clause, which asserts that "it is not appropriate for this Church to ordain a practicing homosexual, or any person who is engaged in heterosexual relations outside of marriage," identifies two disqualifying standards. It also provokes much of the friction, if not enmity, which now marks discussions of human sexuality in this church. In the succeeding twelve years the situation is not much changed, as both the acrimonious debate and the resolutions which were adopted at the 1991 General Convention attest. The internal logic of the 1979 resolution, however, is consistent: human sexual intercourse is restricted to marriage, and marriage is

restricted to couples which are composed of one man and one woman.

Integrity is the national organization of lesbians and gay men in the Episcopal Church. On 3 July 1989, at its convention in San Francisco, the delegates adopted a number of resolutions which addressed the role and function of ECUSA communicants who are also homosexual. Two of these are directly pertinent to the matters treated in the 1979 General Convention resolution. In order to convey the full force of the discordance between them and the positions adopted by the 1979 General Convention, the Integrity resolutions need to be quoted in their entirety (again excepting the "whereas" prefaces):

Therefore be it resolved that this 15th Anniversary Convention of Integrity calls upon the Standing Liturgical Commission of the Episcopal Church to prepare appropriate rites to restore to Lesbians and Gay men the ancient practice of sacramentally legitimizing our unions, and upon the 70th General Convention to approve the same and the Episcopal Church to press the state for full legal recognition of such same sex covenants of union.

Therefore be it resolved that this 15th Anniversary Convention of Integrity calls upon the 70th General Convention of the Episcopal Church to amend the Canons of this Church to officially guarantee full and equal access to all rites, sacraments, and employment in the Church without regard to race, color, ethnic origin, sex, sexual orientation, physical disabilities, or age.¹⁸

The present bishop of Newark was not among those dissenting signatories to the 1979 statement; but ten years later, in a letter to members of the House of Bishops dated 8 December 1989, the Rt. Rev. John S. Spong announced that he would ordain "a gay male who lives in a committed relationship with his partner." It was clear to those familiar with Bishop Spong's recent writings that this was a considered move, underwritten by the positions he had affirmed in various essays and perhaps especially in one of his latest books.¹⁹ With the recent history of irregular ordinations in this church, Bishop Spong's unilateral action also appeared closely to parallel the Philadelphia ordinations of ECUSA's first women priests.

Included with his letter were two papers: one by the bishop entitled "Why I ordained a non-celibate gay male to the priesthood," and the other an account by the ordinand of "his journey into the priesthood." Robert Williams' ordination on 16 December 1989 was widely noted in both religious and secular news media and although the bishop contended that the 1979 resolution was advisory only and not binding, his action elicited perplexity and strong objection both within and without the church.

Barely a month later, in remarks before an Episcopal symposium on homosexual marriage, Williams declared that celibacy is unnatural and spiritually inhibiting, and that, as for monogamy, "It is crazy to hold up this ideal and pretend it's what we're doing, and we're not." He was also reported to have said, "If you're asking me do I think Mother Teresa ought to get laid, my answer is 'yes'."²⁰ Bishop Spong promptly reprimanded Williams and requested his resignation as director of The Oasis, a diocesan ministry to homosexuals. The priest was not asked to renounce his ordination. The executive council of the Episcopal Synod of America, however, passed a resolution asking the bishop to resign and promising to work to bring charges against him in the House of Bishops if he declined to do so.

On 20 February 1990 the presiding bishop, together with the members of his Council of Advice, issued a statement in which they affirmed the position taken in the 1979 resolution, disassociated themselves from the action of the Standing Committee and the Bishop of Newark in carrying out this ordination, and disapproved unilateral actions by bishops, dioceses, or parishes which do not adhere to the actions of General Convention. The House of Bishops, meeting in Washington, D.C., on 18 September 1990, voted 78-74 to "disassociate" itself from Bishop Spong's ordination of Robert Williams, and to "affirm and support" the February statement, which acknowledged that it is this church's position that it is "inappropriate" to ordain practicing homosexual persons."

Given the language of the 1979 resolution, it may be arguable that the resolution does not have binding power. That General Convention did no more than "recommend" consideration of these qualifications for ordination, which were known at the time to be volatile and robust, might allow one to interpret the resolution as "advisory." Moreover, it does not stretch credibility with respect to such important matters as

these—and irrespective of their potential for dispute and disension—to say that merely to “recommend” is an anemic commendation.

All the same, what is at stake here is not linguistics or word-games, or a contest of imagination which pits the clever against the clod. What is at stake is the unity of the church and the determination of its constituent communicants to preserve order and fellowship. Overall, and regrettably, this is not an isolated political claim for autonomy within the parishes and dioceses, and among the priests and bishops, of this church. Those familiar with ECUSA’s recent history will recognize this episode as only the latest in a series of moves which challenge the coherence of its polity. The arguments share a remarkable similarity to the ones advanced following the Philadelphia ordinations in that they appeal to the letter of the resolution and not to its spirit. At the end of the day, the fault lies with both the bishops and the General Convention, and it would be self-serving for either to lay their blame at the other’s feet. It remains to be seen whether a General Convention will make it clear beyond reasonable doubt whether the 1979 resolution is advisory or binding.

At the Phoenix Convention in 1991, the House of Bishops declined to censure two bishops who had ordained avowed and practicing homosexuals to the priesthood. And the so-called compromise resolution which was adopted appears to say that, while ECUSA affirms the church’s traditional teaching on marriage, its leaders are unable to come to a definitive conclusion about these matters. Because there is “discontinuity” between the church’s acknowledged teaching and the experience of some of its members, it therefore should continue to study these matters while bishops (with input from both clergy and laity) offer “pastoral teaching!” Depending on hermeneutic, this can be read as (among other things) ambiguity, confusion, irony, equivocation, or just plain contradiction.

Or consider: what can it mean, as in the 1979 resolution, to say that this church affirms homosexual persons but disapproves homosexual behavior? Actually, ECUSA has not said precisely that. What it has said is:

Homosexual persons are children of God who have a full and equal claim with all other persons upon the love, acceptance, and pastoral concerns of the church.

The Journal of the General Convention, 1976, p. A-69
This General Convention expresses its conviction that

homosexual persons are entitled to equal protection of the law with all other citizens, and calls upon our society to see that such protection is provided in actuality.

The Journal of the General Convention, 1976, p. A-17;
reaffirmed in 1982, *The Journal of the General Convention*, 1982, p. D-61a

We affirm the traditional teaching of the Church on marriage, marital fidelity, and sexual chastity as the standard of Christian morality. Candidates for ordination are expected to conform to this standard. Therefore, we believe it is not appropriate for this Church to ordain a practicing homosexual, or any person who is engaged in heterosexual relations outside of marriage.

The Journal of the General Convention,
1979, p. A-535

The 68th General Convention urge each diocese of this Church to find an effective way to foster a better understanding of homosexual persons, to dispel myths and prejudices about homosexuality, to provide pastoral support, and to give life to the claim of homosexual persons ‘upon the love, acceptance, and pastoral care and concern of the Church’ as recognized by the General Convention resolution of 1976.

The Journal of the General Convention,
1985, p. D-082s

Taken together, and as a whole, these statements materially (1) affirm and support homosexual persons as such, endorse guaranty of their civil rights, and offer them “the love, acceptance, and pastoral care and concern of the Church”; and (2) withhold ordination in this church from persons who engage in homosexual practices, as well as from persons who engage in heterosexual intercourse outside of marriage. The ambivalence reflected in these statements betrays ECUSA’s double-mindedness and indicates that ECUSA is deeply suspicious of the moral legitimacy of homosexuality in the context of Christian faith and life. Its piecemeal affirmation and fractional denial only confirm that this is so. So while these statements do not say it precisely, they do seem tantamount to saying that this church loves and accepts homosexual persons but views homosexual practices as morally inappropriate if not opprobrious.

Is it little wonder that all of us, homosexuals and heterosexuals alike, should be confused? And can there be little astonishment that homosexuals should wonder how they can be simultaneously loved for who they are but morally suspect for what they do? A comparable exercise in symbolic logic would reveal the inconsistency, and the frank hypocrisy, of this attempt by ECUSA (together with other mainline reformed churches) to have it both ways, to be everything to everybody. Behavior cannot be abstracted from the person whose behavior it is. For sentimental reasons we may suppose that we can separate liars from lying, or patriots from fierce defense of country, or homosexual persons from homosexual practices, but that is a compound mistake inasmuch as we both deceive ourselves about what is really going on here, and invite the object of our sentimentality to a fragmented and conflicted (which is fundamentally a dishonest) identity and existence. Christians, of all people, should know better. Character and conduct, belief and behavior, affirmation and action—these belong together for personal and moral wholeness. Over the long haul, we would do better to keep silent until we can confidently speak with a larger measure of clarity and precision, and in continuity with scripture, tradition, and cognate teachings.

The case for “loving the sinner but hating the sin” is inherited from a liberalism which was not overburdened with convictions, and it is, at best, problematic, unless we are comfortable, as most of us are not, with a bifurcated and schizophrenic moral psychology. The greater weight of the evidence—historical, legal, social, moral, religious, and otherwise—is, in fact, on the side of wholeness and unity and integrity of the organism, which makes sense when the goal of education, preaching, medicine, law, and other human interventions in the way things would be “naturally” without them is to train their target clientele to certain self-understandings, on the assumption that the right character will tend to engender the right behavior.

Although there is little question that “being” and “doing” are reciprocally influential in moral formation, Western philosophy from Plato onwards has generally assigned a synergistic priority to “being.” So while we certainly hold people praise- or blameworthy for what they do, for how they act and behave, we also take their self-understanding into account when we assign accountability. That is why we excuse chil-

dren and the mentally disadvantaged from some behaviors for which we punish putatively mature adults. Beyond that, however, “hypocrisy” is an odious word in both secular and religious circles. Sometimes as bad as the action itself is the violated trust, the stark mendacity, which the action signifies.

The church, like other cultural institutions, is a school for character. And the church, like other cultural institutions, has its particular vision of the character which it means to school. In the Anglican tradition, this vision is formed by both special revelation and the natural moral law. Jeremy Taylor, for example, could argue Jesus’ command to love God, neighbor, and self as correspondent to and commensurate with both God’s nature and human nature, and thus to the natural moral law. ECUSA should be careful that it is its particular vision, and not another, which it undertakes to embody and communicate.

Blessing Same-sex Unions

If the 1979 resolution is advisory only, as Bishop Spong claimed, it might be supposed that the logic which underwrote his ordination of a non-celibate gay male to the priesthood would also underwrite the blessing of same-sex unions. But that would stretch credibility too far. The twenty-one bishops who dissented from that resolution acknowledged nonetheless that ECUSA holds same-sex unions to be illicit.”

Similarly, when the resolutions adopted at the Integrity convention in July 1989 call upon the upcoming 70th General Convention (1991) to “prepare appropriate rites to restore to Lesbians and Gay men the ancient practice of sacramentally legitimizing our unions” and “to press the state for full legal recognition of such same sex covenants of union,” it is reasonable to conclude that Integrity acknowledges that the teaching of ECUSA is opposed to blessing same-sex unions.”

More precisely, Canon I.18.3, “Of the Solemnization of Holy Matrimony,” would appear to make it quite clear in at least three places that only heterosexual unions are authorized: the parties must have the right “to contract a marriage according to the laws of the State” (I.18.2[a]); both parties shall “understand that Holy Matrimony is a physical and spiritual union of a man and woman” (I.18.2[b]); and both parties shall sign a declaration which includes the solemn profession that “[we] hold marriage to be a lifelong union of husband and wife” (I.18.3[d]).

That ECUSA now prohibits blessing same-sex unions is indisputable from the evidence of several General Conventions and from the contents of its Prayer Book and canons. Nevertheless, *why* ECUSA has such a prohibition is less than clear. If its theology of human sexuality provided a lucid and compelling honoring of celibacy as a vocation to which some are called, it might appeal to that teaching—not in order to impose it as a lifestyle but in order to affirm its virtue as a vocation for some. If its theology of marriage included those classical Catholic arguments regarding procreation as the human analogue of God's characteristic generativity, it would be better positioned to deny its blessing to homosexual unions. Lacking a mandate that marriage embrace the blessing of children, one might look for a theology of marriage which is rooted in natural law and nominates heterosexuality as typical and normative, and homosexuality as abnormal and aberrant. There are surely indications that such a natural law theory underlies much of the church's understanding of human sexuality; but these are too often only indications, and not the kind of sustained and systematic argument which makes a coherent and compelling claim.

Can ECUSA Be a Teaching Church?

We have suggested that ECUSA's teaching about the ordination and marriage of homosexual persons, and its theology of marriage, are in disarray. In part, we can account for this relatively erratic and disordered circumstance by acknowledging the church-state connection, which has alternately puzzled and pleased the church since the times of Constantine and Justinian. At the end of the twentieth century, nobody ought to doubt that there are inherent risks in relationships between a confessional religious body and its political environment. Our forebears in both England and this country probably appreciated that fact better than we have done in recent years, trying as they did to steer a course between the Scylla of church co-optation and the Charybdis of sectarian separation.

Our tendency has been to underestimate the actual as well as potential conflicts between piety and citizenship as these impinge upon matters associated with human sexuality. We have done that, in part, because we have not always reckoned the difference it ought to make that we are a particular kind of religious people and not merely a special-interest group

within the general population. There is a difference between being responsive to issues which arise for crisis-intervention from without, and having our agenda for holy living composed for us by extra-ecclesial groups and interests. And there is a truly significant difference between the civil rights of persons, which vary enormously from one political realm to another, and the image of God, which does not vary from culture to culture and which has a prior claim upon our moral life.

The documentary evidence suggests that when we have failed to appreciate these and kindred differences, our pronouncements have been rather more reflexive than reflective. At its best, the church should self-consciously reserve the right to speak only to matters which are plainly within its ken and its authority. In introductory biology classes, students are shown how increasing electrical stimulation of the sciatic nerve of a frog produces incremental twitching of the frog's leg until the stimulation achieves an intensity to which the nerve is no longer able to respond. When that happens, the leg goes limp despite maintenance of the electrical charge; biologists call that "biological overload." Something similar happens when an ecclesial legislative body attempts to be responsive to the total range of stimuli applied to it: the stimulus current is intensely charged, but the organ becomes flaccid as a function of legislative overload.

How to be a community of Christian believers, who take with utter seriousness God's incarnation as Jesus in a world of many competing ideologies, has not always been a prominent, to say nothing of controlling, question for us. Institutional wholeness, cooperation in the name of comprehensiveness, response to the irrepressible lobbying of a special-interest group—these and other influences appear too often to have directed both the initiative for and the formulation of this church's resolutions on urgent moral issues. In this respect, ECUSA can claim the company of all the mainline Protestant churches.²⁴

Even so, in the matter of human sexuality, these conflicts are limited. So, for example, ECUSA has no conflict in its citizenship duties with respect to homosexuality, nor are there any apparent conflicts in the matter of ordaining homosexual persons, because neither of these matters is addressed by statute. All the same, a potential problem does arise with blessing same-sex unions when homosexual marriage is not permitted by law. Here is an issue which ECUSA must face

squarely; but on its own theological terms, and not those of Anglo-American jurisprudence.

"Getting out of the marrying business," as some have suggested ECUSA ought to do, would not solve this problem. Only an understanding of the relationship between church and state clearly different from the one we have now will resolve this tension. Recent litigation, frequently involving medical care, shows that there is little reason to expect that the guarantees of religious freedom in this country will extend to religious practices which are unacceptable before the law. The purpose of the statutory law is to guard and protect the common good, and the fact that religious belief cannot be freely acted out ought to be appreciated by religious people for the restricted right that it is. That the law intervenes in these ways is probably unavoidable as long as "religion" is defined so broadly as to include virtually anything that wants to call itself by that name. Religious liberty on these terms is a shibboleth; it has a hollow ring to it.

There is more than enough evidence to make compelling the claim that it is naive to expect uniformity in any group, even when only two or three are gathered together in the name of Jesus, or marriage, or General Convention. So we ought to expect that there will be protagonists and antagonists in the church; indeed, we ought to welcome and celebrate the spiritual and intellectual abrasion which they generate, even though we cannot say prospectively how much diversity in these areas we can (or in fact ought to) encourage. But we cannot do that in the name of mere tolerance, by making room for various, even disparate, points of view. We can only celebrate that kind of controversy when there are substantial and shared reference points which keep us honest about the real stakes of the argument, and in relation to which the pros and cons can be taken seriously.

Meanwhile, virtually everybody in our individualist and autonomous culture will be offended by some particular ecclesial teaching. To say, as for example about homosexuality, that we will not divide the church over this issue shows both compassion toward different constituencies and the desire for an institutional equivalent of the "get-out-of-jail-free" card. At issue, of course, is whether congregations, clergy, and bishops will take seriously the church's pronouncements. Beyond that is our apparent uncertainty about how we may responsibly take account of dissent within the church. At the moment, we

seem to have a paucity of resources for dealing constructively with dissent; but scarcity is not a void, and there are some assets on which we can draw.

So, while we do not need to suppose that our teachings on human sexuality are definitive, we do need to know that they are definite (insofar as within us lies). Beyond that, we need to know that they are somehow contiguous with our inheritance, the gift of scripture and tradition and reason. Believing that what we teach about marriage, or the ordination of homosexual persons to the church's ministry, or the blessing of same-sex unions is as clear-cut and lucid as we can state it, and as faithful as we know how to connect it to the *sensus communis* of the *corpus mysticum*, is no more than our bounden duty and service.

Outwardly, of course, Christian marriages appear to be indistinguishable from pagan ones; objectively, both we and they seem to be engaged in many of the same actions. But there is a difference, which is an internal one of will and intention. It may have been that particular difference which our Lord had in mind when he defined adultery as a matter of the heart (Mt. 5:27-28) and invited those "who are without sin" to stone the adulteress (Jn. 8:3-11). It is clearly a difference which we have long recognized by providing a number of nouns to identify specific acts of human sexual congress: rape, incest, conjugal love, adultery, pedophilia. These words help us to understand that the meaning and purpose of an action is not self-evident in the action itself, and that we need interpretive clues from the actors if we are to perceive correctly what is going on here. And that, in turn, suggests that actors themselves need to know where they can turn to find out which actions are good, right, and true—and why. The church rightly claims the role as referent for these questions when they mean to ask what difference it makes that these relationships and actions are modified by "Christian."

So, for example, as regards the purposes of marriage, the church ought to say plainly that having children is a vocation for Christians; that we neither choose to have children nor have them because we cannot avoid it; that having children is a duty for Christians because we believe that we are commanded to do so as an expression of our determination to witness faithfully to the God of Abraham and Sarah, Isaac and Rebekah, Jacob and Leah, Joseph and Mary, Jesus, and Paul, and to live in this selfish and sinful world by the power of the

world to come. That kind of forthright rhetoric will doubtless prompt some to observe that there is a difference between being a fool for Christ's sake and a damned fool, and the force of that crude observation deserves the church's attention. So we can add that this does not mean, of course, that there is no place for celibacy as a vocation and that all Christians must have children, or that "having children" may not be accomplished by adoption or some other alternative to "natural" conception, gestation, and parturition, or that virginity, as Luther said, is an evasion of social responsibility. And we can further acknowledge that these matters are better served by casuistry and pastoral care than legislation.

But ECUSA has typically forfeited its claims to be a "teaching" church, and it has preferred to delegate controversial opinion giving to individual communicants while aligning its official position(s) with "the inherent comprehensiveness of the church." Why is this? Why are we not a teaching church? Answers are legion, and a sample of those suggested to me include:

- we have nothing to teach;
- we fear encroaching on the autonomy of individuals to decide these matters for themselves;
- we believe that the gospel is not gift, but discovery;
- we equate instruction with indoctrination, and indoctrination is inappropriate;
- the church is one among many value-affirming institutions and communities, and none has a corner on the truth;
- we have failed to understand the office of bishop in this church;
- we understand our ecclesial life as chiefly or solely diocesan or parochial;
- bishops and other clergy are principally managers and therapists;
- the laity does not want to be party to a teaching church;
- ECUSA has no magisterium.

What would we need to do to become a teaching church? At the outset, we would need to reverse and/or recast all of the above.

It is not popular nowadays to say some of these things, and some think it perverse to venture them on behalf of the church. On the other hand, we know that a pagan and secular

environment has eroded many of the traditionally authentic ways of understanding and intending ourselves as disciples of Jesus Christ; and that this development threatens not only the piety of individual Christians, but the legitimacy of institutionalized Christian communities as well. In that respect, our time may not be fundamentally different from other times in the opportunity which it offers ECUSA and other Christian churches for obedient and faithful discipleship, and in the occasion it provides for reliance wholly on the grace of our Lord Jesus Christ, the love of God, and the fellowship of the Holy Spirit.

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Endnotes

1. *Journal of the General Convention*, 1988, p. 183.
2. *Ibid.*, pp. 296–297.
3. Among many accounts of this episode and related events in both the religious and secular media, direct quotations here are taken from reports in *The Living Church* (5 January 1992), p. 8.
4. Quoted from an Episcopal News Service dispatch in the Diocese of North Carolina's *The Communicant* (September 1991), p. 6.
5. Marion J. Hatchett, *Commentary on the American Prayer Book* (New York: Seabury, 1981), p. 432. The traditional ends of Christian marriage, according to St. Augustine, are *bonum proles*, *bonum fides*, and *bonum sacramentum*; and the classical requirements for a valid marriage are *ratum et consummatum* (consent and consummation). See Edward Lambe Parsons and Bayard Hale Jones, *The American Prayer Book—Its Origins and Principles* (New York: Charles Scribner's Sons, 1937), p. 251.
6. *Ibid.*, pp. 432–433.
7. *Journal of the General Convention*, 1949, p. 166. Underscoring mine.

8. See pp. 432–433. See also the *Journal of the General Convention*, 1988, pp. 702–703.

9. This new canon actually had its genesis in a special committee on “marriage legislation” of the House of Bishops, whose mandate included recommending to Convention any needed amendments to the canons on Holy Matrimony. Three years earlier, the House of Bishops had adopted, but the House of Deputies had rejected, a similar proposal; so now, in its report, the special committee prefaced its proposal for a declaration of intention with the following paragraph:

A number of Bishops have suggested that *the statement of agreement with and acceptance of the Church's doctrine of Holy Matrimony* to be signed by the parties to a marriage, which was recommended by resolution of the last Convention, now be made a part of the Canon itself. This seems wise to your Committee both because the Lambeth Committee on pages 99 and 100 of its report recommends the signing of such a declaration, and *because its use opens the door to systematic discussion and instruction of brides and grooms.* (Ibid., p. 438. Underscoring mine.)

10. Of course, this is not the first (and plainly not the only) occasion when Convention has operated with this kind of doublespeak, which is defended in the name of “openness” and “comprehensiveness.” A joint commission was charged to report to the 1916 Convention on the advisability of “revision and enrichment of the Prayer Book,” with the stipulation “that no proposition involving the Faith and Doctrine of the Church shall be considered or reported upon by the Commission.” [Cf. Thaddaeus A. Schnitker, *The Church's Worship: the 1979 American Book of Common Prayer in a Historical Perspective* (European University Studies: Series 23, Theology; Volume 351, Frankfurt am Main: Peter Lang, 1989), p. 98.] But, of course, changes affecting doctrine were made in the 1929 Prayer Book; not the least of which were collects for the departed, together with a petition for the departed in the “Prayer for the Whole State of Christ's Church.” A detailed contemporary account of this phase of the production of the 1929 Prayer Book observed that both the commission and the Convention were

wisely interpreting the ‘Faith and Doctrine of the Church’ as referring to the permissible bounds of

Anglican orthodoxy, and consequently exploring and developing our inherited liberties in every direction—to the great enlargement of the inherent comprehensiveness of the Church.

(Parsons and Jones, pp. 59–60. Underscoring mine.)

11. Cf. Urban T. Holmes, “Six Theses on the Theology of Marriage,” *St. Luke's Journal of Theology*, Vol. 27 (June 1984) 3:pp. 167 ff.

12. Alasdair MacIntyre, *After Virtue* (Notre Dame: University of Notre Dame Press, 1981), p. 2.

13. This commission was created at the 65th General Convention (1976) by combining two existing bodies, the Committee on Religion and Health and the Commission on the Church in Human Affairs. Cf. Canon I.1.2(g).

14. *The Blue Book: Reports of the Committees, Commissions, Boards, and Agencies of the General Convention of the Episcopal Church*, 1979, p. 69.

15. Ibid., p. 68.

16. *Journal of the General Convention of the Protestant Episcopal Church in the United States of America—Otherwise Known as the Episcopal Church* (The General Convention, Episcopal Church Center, 815 Second Avenue, New York, NY 10017), 1979, pp. C-88–89.

17. Ibid., pp. B-110–112.

18. While this is not the place to examine thoroughly the claim that ECUSA should “restore to Lesbians and Gay men the ancient practice of sacramentally legitimizing our unions,” I want to note that this assertion is not self-evident and, in fact, misrepresents ecclesiastical history.

19. John S. Spong, *Living in Sin? A Bishop Rethinks Humans Sexuality* (Nashville: Abingdon, 1988).

20. *The Living Church* (18 February 1990), pp. 6–7; *Newsweek* (12 February 1990), p. 61.

21. *The Living Church* (14 October 1990), pp. 8, 15.

22. *Journal of the General Convention*, 1979, p. B-111.

23. This point is explicitly confirmed in a recent lengthy essay by Robert Williams, “Toward a Theology for Lesbian and Gay Marriage,” (*Anglican Theological Review*, Vol. 72(1990) 2:pp. 134–157). Williams' thesis is “that a covenanted relationship between two women or two men is

just as much a Christian *marriage* as that between a man and a woman." (p. 135) Following the essay are five commentaries which wrestle, each in its own way, with whether the church which blesses, or the couple asking for its blessing, presides over the meaning(s) and purpose(s) of "Christian marriage."

24. Implementation of resolutions reflects similar commitments. For example, "Sexuality: A Divine Gift" was produced by a Task Force on Human Sexuality and Family Life Education, appointed by The Executive Council's Education for Mission and Ministry Unit in response to Resolution D-76a (1982), which mandated development of "educational ways by which the Church can assist its people . . . to develop moral and spiritual perspectives in matters relating to sexuality and family life." Conspicuously absent from the task force are any of the church's systematic, moral, pastoral, biblical, or historical theologians. Substantively, "Sexuality: A Divine Gift" either ignores what the church has taught, or subordinates the church's teaching to individual experience and discovery; and overall it reflects an absence of articulate doctrine together with a corresponding loss of theological skills. The roles allocated to God and church by this document are as supporting players to the main character of self; and the methodology is a frank inversion of I John 4:10 (i.e., this document claims that it is in and through our sexuality that we discover God's love). This resource is a wonderful example of much that is wrong with our overall approach to a theology of human sexuality, which fails to be historically literate, scripturally faithful, and continuous with tradition; but there is neither time nor space here to develop that criticism fully. Happily, this church has resources other than "Sexuality: A Divine Gift"; see, for example, "Sexuality and New Life," in David H. Smith, *Health and Medicine in the Anglican Tradition* (New York: Crossroad, 1986), pp. 69-96; and Philip Turner's *Sex, Money and Power* (Cambridge: Cowley Publications, 1985), esp. pp. 29-70.

2

New Technologies for Assisted Reproduction

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Judith A. Granbois

New technologies for assisted reproduction fascinate and frighten us; they offer hope and heartache; they challenge fundamental and long-standing values. The Episcopal Church has attended recurrently to the moral questions raised by the new technologies over the past twenty years. We want to report on what the denomination has done and said and to make some observations about the adequacy of these statements and about the problems of authority and teaching responsibility.

Developing Teachings

Of the various relevant technologies,¹ the Episcopal Church has focused primarily on in vitro fertilization (IVF), surrogate motherhood, and artificial insemination (AI). (Technically, AIH is artificial insemination using the husband's sperm; AID uses sperm from a donor.) In general, the church has approved IVF and AIH; it has opposed surrogacy and AID. Thus it has sanctioned technological assistance for couples who are using their own gametes (sperm and ova), but it has frowned upon if not condemned the introduction of a third person into the reproductive relationship.²

One argument for this conclusion is based on the assertion that technology and the use of prostheses are not in themselves wrong solely because they may be in some sense "unnatural." For example, the 1970 report of the Joint Commission on the Church in Human Affairs treats acquisition of knowledge positively, stressing the human role in creation, and supporting AIH.

[W]e believe that employment of artificial insemination by husband and wife is morally licit and proper. This includes external fertilization and intra-uterine implantation of ova. However, the Commission is not