

A Word to the Church: Considering the proposed amendment of Marriage Canon XXI

March 16, 2019

INTRODUCTION

Historically, the full inclusion of gay and lesbian persons in the life of the Anglican Church of Canada – in its parishes, congregations and communities from coast to coast to coast – has been actively under consideration for many years. It has been a major topic in a number of meetings of General Synod. In some of those meetings, the General Synod passed resolutions that expressed the mind of the General Synod and contributed to the teaching and policy of the Anglican Church of Canada.

In the midst of all these proceedings, there has been the desire to hear all voices, and to remain integrally a church which respects the dignity of each person and remains faithful to our calling to love one another.

In preparing for the second reading of the proposed amendment to the Marriage Canon, the Council of General Synod (CoGS) itself has consistently undertaken a respectful listening process. The Council has exercised its responsibility to encourage consideration of A051-R2 throughout the church between first and second reading by diocese and provinces. We have received and listened to the considerable feedback submitted by dioceses and provinces, the House of Bishops and the Anglican Council of Indigenous Peoples. The Council is returning the resolution to General Synod for second reading with some possible amendments.

CoGS asks General Synod 2019 and the whole church to take note of the following discussion and make the affirmations that follow.

CHRONOLOGY

Since the 1980s, the General Synod has held discussions and considered resolutions pertaining to same sex relationships, and the blessing of same sex unions and marriages in the Church. For example:

- a. 1992: General Synod held an open forum on sexuality and requested that the House of Bishops and the National Executive Council (now the Council of General Synod) commission a study of homosexuality and same-sex relationships.
- b. 1994: *Hearing Diverse Voices, Seeking Common Ground: A program of study on homosexuality and homosexual relationships* was published by the Anglican Book Centre as a resource for parishes and groups.
- c. 1995: General Synod affirmed the presence and contribution of gays and lesbians in the church.
- d. 2001: General Synod adopted *A Call to Human Dignity: A Statement of Principles for the Anglican Church of Canada on Dignity, Inclusion, and Fair Treatment*.
- e. 2004: General Synod deferred the decision to affirm the authority and jurisdiction of any diocesan synod, with the concurrence of its bishop, to authorize the blessing of committed

same sex relationships. It also passed the resolution “affirming the integrity and sanctity of committed, adult same-sex relationships”. The General Synod asked the Primate to refer the issue to the Primate’s Theological Commission.

- f. 2005: The Primate’s Theological Commission published *the St. Michael Report*, stating that the blessing of same-sex unions is a matter of doctrine “but not core doctrine”.
- g. 2007: General Synod defeated a motion (that was deferred in 2004) to affirm the authority and jurisdiction of any diocesan synod, with the concurrence of its bishop, to authorize the blessing of committed same sex unions.

The General Synod also passed the following resolution (Act 33):

“That this General Synod accept the conclusion of the Primate’s Theological Commission’s *St. Michael Report* that the blessing of same-sex unions is a matter of doctrine, but is not core doctrine in the sense of being credal and should not be a communion-breaking issue.”

- h. 2010: General Synod adopted a statement (Act 70) with respect to the blessing of same-sex relationships that said, in part:

“We acknowledge diverse pastoral practices as dioceses respond to their own missional contexts. We accept the continuing commitment to develop generous pastoral practices. We recognize that these different approaches raise difficulties and challenges.”

The statement also said:

“We are deeply aware of the cost to people whose lives are implicated in the consequences of an ongoing discernment process. This is not just an ‘issue’ but is about people’s lives and deeply held faith commitments.”

And:

“Above, in and through all of this, and despite all our differences we are passionately committed to walking together, protecting our common life.”

The General Synod also unanimously adopted a resolution opposing criminalization of homosexuality, and calling on our partners in jurisdictions with such legislation to do the same (Act 75).

- i. 2013: General Synod adopted a motion (C003) that directed the Council of General Synod to prepare a motion for the consideration of General Synod 2016 that would: “change Canon

XXI on Marriage to allow the marriage of same sex couples” (Act 38). In response to resolution C003, the Council of General Synod (CoGS) formed the Commission on the Marriage Canon to undertake the work requested in the resolution and report back to CoGS.

- j. 2015: The Commission presented its final report, *This Holy Estate*, to the Council of General Synod on September 22, 2015.
- k. 2016: A resolution to amend the Marriage Canon came to General Synod in 2016. The resolution was amended to permit the solemnization of same sex marriages that were authorized by the diocesan bishop. The existing conscience clause for clergy would not be changed. General Synod 2016 gave first reading to the amended resolution (A051-R2) and by a two-thirds majority of those voting in each of the orders of laity, clergy, and bishops.

The resolution was referred to provincial and diocesan synods for consideration as required by the Declaration of Principles.
- l. 2019: A051-R2 returns to General Synod 2019 for second reading, as required by the Declaration of Principles for change to a canon pertaining to doctrine.

If A051-R2 receives the necessary majorities in each of the orders of bishops, clergy, and laity at General Synod 2019, it will become an Act of Synod; if it does not, it will be defeated.

AFFIRMING THE INHERENT RIGHTS OF INDIGENOUS PEOPLES

In the 2004 resolution concerning “the integrity and sanctity of committed adult same sex relationships”, the third clause read:

To affirm the principle of respect for the way in which the dialogue and study [of the blessing of same-sex relationships] may be taking place, or might take place, in Indigenous and various other communities within our church in a manner consistent with their cultures and values.

At the 2010 meeting at which General Synod adopted its Sexuality Discernment Statement, it also passed, at second reading, changes that completed the establishment of the office of National Indigenous Anglican Bishop within General Synod and adopted Canon XXII.

Synod enacted two other significant resolutions with respect to Indigenous ministries.

- i. The first was the repudiation of the Doctrine of Discovery; and
- ii. the second was the endorsement of the United Nations Declaration on the Rights of Indigenous Peoples.

The UN Declaration includes among its articles at least four that speak directly to the rights of Indigenous persons and communities to come to their own decisions regarding this or any other spiritual matter:

- Article 3 – To self-determination
- Article 4 – To self-government
- Article 11 – To the practice and re-vitalization of culture

- Article 12 – To manifest, practice, develop and teach spiritual and religious traditions

That is to say, the commitments our church has made, in 2004, in 2010, and in many other times and places, require us to acknowledge with humility that conversations among Indigenous persons and communities about same-sex marriage belong to those persons and communities, and will take place in their own way and in their own time.

GOVERNANCE AND INTERPRETATION

In the memo of 2016 June entitled *ISSUES IN DEALING WITH RESOLUTION A051 (the motion to amend the Marriage Canon)*, the Chancellor of the General Synod, David Jones QC, wrote:

There is no specific prohibition of same sex marriage in the existing canon.

Not passing the resolution is not the same as passing the opposite resolution.

... In the absence of a prohibition by General Synod against same-sex marriages, Provincial Synods have authority and jurisdiction with respect to “... the authorization of special forms of prayers, services and ceremonies for use within the province, for which no provisions have been made under the authority of the General Synod or of the House of Bishops of The Anglican Church of Canada”: *Section 7 viii) of the Declaration of Principles*.

...In addition, bishops retain some inherent “powers, jurisdiction and authority”: *Section 9 of the Declaration of Principles*.

Subsequently, for a variety of reasons, some diocesan bishops and synods authorized liturgies for the solemnization of marriage between two persons of the same sex; others have not.

DIVERSE TEACHINGS ON THE NATURE OF MARRIAGE

In its January 2019 report to the Council of General Synod, the House of Bishops referred to the “currency of grace” present in their discussion, and identified a number of ways that the nature of marriage is understood and taught in the church:

- a. For some, any change is seen as a repudiation of a universal Christian tradition held since time immemorial and commanded by scripture;
- b. some hold to a close interpretation of the theology of the Book of Common Prayer, and see marriage as a means of God’s grace and an ordinance beyond the Church’s capacity to transform or change;
- c. others see marriage as a first order commandment of God within the order of creation itself;
- d. still others have a view that the liberating work of Christ can and should transcend the structures which are seen to be of human construction, and

that same sex marriage is a prophetic response to the Spirit's command to draw all persons to the grace and love of Christ;

- e. still others see the love and grace of Jesus demanding a transforming view of justice which includes all persons - including those whom the church traditionally interpreted as sinners condemned by scripture, and seek to repent of language and attitudes which oppressed the LGBTQ2S community and injured their dignity both as persons in civil society and as beloved children of God;
- f. still others combine portions of these theologies in a way that works for their own community and context; and
- g. each of these and many other variations on the teaching of the church value scripture and take their view of this matter from the holy scriptures themselves.¹

THE PASTORAL REALITIES

For many in leadership in our church, the 2010 statement (Act 70, referred to above), which achieved virtual consensus, represents a significant pastoral moment in the life of our church. Among its virtues were:

- a. The recognition that it was possible to hold and act on divergent views in good faith, and that missional context would necessarily inform pastoral practice;
- b. the affirmation of "aboriginal voices in our midst";
- c. the recognition of the cost "to those people whose lives are implicated in the consequences of an ongoing discernment process"; and
- d. the recognition of the pain engendered by diversity, and the commitment to care for one another in that pain.

As we prepare to vote on the proposed change to the Canon XXI – On Marriage, we take time to acknowledge that though the question now is marriage, many of the dynamics remain in place. While our diversity remains painful, there continues to be a strong commitment to our communion in the Body of Christ.

LAMENT

This has been a long season of deep pain for the whole church.

We have witnessed disdain and failure of charity toward those who hold differing understandings of marriage:

- a) toward the LGBTQ2S+ communities;
- b) toward those who stand in one of the traditions regarding marriage that would lead them to oppose the change;

¹ Direct quote from COGS document 018-01-19-03: Report from the House of Bishops to the Council of General Synod

- c) toward those who stand in one of the traditions regarding marriage that would lead them to favour the change;
- d) toward Indigenous persons and communities; and
- e) toward those who have proceeded in good faith to authorize rites for same-sex marriage.

Whatever the actions of the church at this General Synod, we lament the harm that has come to persons and communities in the course of fifty years of conversation, not all of it measured or loving.

AFFIRMATIONS

Council of General Synod asks General Synod and the whole church to make the following affirmations.

Affirmation #1

Indigenous Spiritual Self-determination

Whatever the action of the church at this General Synod, we affirm the right of Indigenous persons and communities to spiritual self-determination in their discernment and decisions regarding same-sex marriage.

Affirmation #2

Diverse Understandings of the Existing Canon

We affirm that, while there are different understandings of the existing Marriage Canon, those bishops and synods who have authorized liturgies for the celebration and blessing of a marriage between two people of the same sex understand that the existing Canon does not prohibit same-sex marriage.

Affirmation #3

Diverse Understandings and Teachings

We acknowledge the ongoing reality that there is a diversity of understandings and teachings about marriage in the Anglican Church of Canada, and we affirm the prayerful integrity with which those understandings and teachings are held.

Affirmation #4

Our Commitment to Presume Good Faith

We affirm our commitment to presume good faith among those who hold diverse understandings and teachings, and hold dear their continued presence in this church.

Affirmation #5

Our Commitment to Stand Together

We affirm our commitment to walk together and to preserve communion, one with another, in Christ, within this church, within our Anglican Communion, and with our ecumenical partners.