Resolution Number A101

Subject: A Word to the Church Concerning Proposed Amendment to the Marriage Canon

Moved By: Ms. Cynthia Haines-Turner
Seconded By: The Very Rev. Peter Wall

Be it resolved that this General Synod:

Adopt the document entitled A Word to the Church concerning the proposed amendment of Canon XXI (On Marriage in the Church).

Source: Council of General Synod

Submitted By: Council of General Synod

Does this motion contain within it any financial implications? Yes No

If yes, has the General Synod Expenditures Committee considered the implications? Yes No

EXPLANATORY NOTE/BACKGROUND

At their March 2019 meeting, the Council of General Synod adopted and commended for consideration by General Synod the document A Word to the Church concerning the proposed amendment of Marriage Canon XXI.

PROCEDURE FOR ADOPTION (G)

In the normal course, an ordinary motion must be passed by a majority of the members of General Synod present and voting together. Six members of General Synod may, prior to the question being put, require a vote by Orders, with a majority of each Order being necessary to pass.

If a question passes on a Vote by Orders, any six members (two from each of three different dioceses) may immediately before the next item of business require a vote to be taken by dioceses. A motion passes if a majority (or a tie) of dioceses vote in favour.

Source: Sections 4 and 5 of the Declaration of Principles and sections 18, 19 and 20 of the Rules of Order and Procedure.
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 creedal 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.


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.
A reflection on the House and the Marriage Canon

Within the house of Bishops, there are varieties of understandings and theologies regarding marriage in the Anglican Church of Canada. Same Sex Marriage is subject to a number of theologies within the House of Bishops itself. Across the House there are broad categories of understandings of this issue and ways forward.

For some, any change is seen as a repudiation of a universal Christian tradition held since time immemorial and commanded by scripture.

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.

Others see marriage as a first order commandment of God within the order of creation itself. 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.

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.

Still others combine portions of these theologies in a way that works for their own community and context.

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. All value and venerate the Word of God, which contains all things necessary to salvation. Traditional views, as well as the views that are developing are present in our church and acknowledge that the scriptures as we interpret them drive our understanding.

These differing views of the authority of scripture and its interpretation in the church and the authority of the church to make changes to its liturgy, ceremonies, teaching, canons and understandings mean we have differing opinions on the way forward for this the amendment to the Marriage Canon.
Through all this, we are united in the person and mission of Jesus Christ, and commit to work, serve and walk together in the light of that grace no matter the result of the legislative processes of the General Synod.

Special Meeting of the House of Bishops - January 2019
At the recent special meeting of the House of Bishops we took time to consider the amendment to the marriage canon. The House of Bishops has worked hard to appreciate the diversity of views in the House on this issue and to seek a way forward that will continue to deepen our capacity to live together in unity with graceful respect. We were assisted by the National Chancellor David P. Jones, who was present to answer procedural questions.

To quote one of the bishops, “There is a currency of grace in the House at present”. We are deeply grateful for the open, respectful conversations we are able to have and the desire to find a way forward that will build and deepen the trust we have attained.

This is a case of respecting our common humanity, our Communion partners, and the needs and concerns of all communities within the body of Christ. We are also mindful of the commitment of General Synod to the United Nations Declaration of the Rights of Indigenous Peoples and the right of Indigenous communities to discern in their own way and their own time.

To that end the House examined several options for approaching the proposed amendment to the marriage canon. We explored the advantages, disadvantages, implications and process required for each. We share with you a brief summary of the results of our discussion and our reflection as a part of your ongoing preparations for General Synod this summer. The Bishops present at CoGs may add further reflections.

The five options reviewed included:
- Some form of amendment to the existing resolution that would affirm that holding and teaching the “traditional” teaching on marriage is in keeping with the doctrine and discipline of the Anglican Church of Canada.
- A motion when it is put on the floor at synod — to choose *not* to vote
- Present a motion that endorses “local option”
- Repeal the Marriage Canon altogether
- Find a “non-legislative” way of expressing the mind of the synod

Our exploration reviewed the impact of these options particularly on LGBTQ2+ people, our indigenous communities and our ongoing mission and witness in the world. After assessing all five options the House of Bishops indicated a strong interest in pursuing the first option of an amendment that could affirm the variety we are experiencing.

Our reflections on such an amendment included:

Advantages
- Affirms the reality of the diversity in our Church at present and keeps a place for traditional and changed understandings of marriage
Models a willingness and desire to live together with differences
Deals straightforwardly with the amendment presented in 2016
Would need to be carefully worded to support the needs of different constituencies
Need to see protection for clergy for choice clearly enshrined in the canon
could affirm rights of Indigenous People to self-determination

Disadvantages
Concern that if the amendment passes - and then the overall amended motion fails
the failure is more catastrophic - as the intention to support all voices has then failed.
Must be a clear statement - any kind of ‘fudge’ in the name of inclusivity would be
unhelpful

Implications/Process
Must be careful not to reinforce stereotypes such that failure of the motion would be
blamed on any particular group

Although some bishops would like to see a non-legislative way of proceeding we did not find a way
of bringing this forward that did not involve an initial legislative vote that could be divisive. There
was a recognition that this might have been a stronger option prior to the 2016 but would be very
difficult to implement at this time in an ongoing process without creating additional difficulties
(perception of manipulation, lack of transparency, lack of time to bring an alternative forward).

Given that 'local option' is currently being practiced in some dioceses there was interest in this as a
possibility. But the same concerns arose about how to introduce such an alternative when the
legislative process is well underway and an interruption in that could be poorly received.

Neither the repeal of the marriage canon nor the indefinite postponement received much support.
Both could be seen as ‘ducking the question’ after many people have given much careful thought to
the motion currently before General Synod. To not choose to deal with it could have unfortunate
repercussions.

Repeal of Marriage Canon
Advantages
 Seems to be conflated for some with deciding not to be agents of the state in
holding licences to marry
 Would be consistent with the fact that no other sacraments are found in the
Canons of the Church (eg Baptism, Eucharist)
Disadvantages
 Would launch a process for another 2 readings at General Synods to repeal it;
 optics are dangerous - will marginalize those who thought they were close to
being included - (eg closing the country club rather than admitting those
formerly excluded);

Implications
To remove would require regulations of marriage to be instituted in other places - eg. Diocesan Canons - Table of Consanguinity; age of marriage etc - in every diocese

Postponement:
Advantages
  o Avoid binary up/down vote with winners and losers
Disadvantages
  o LGBTQ2+ community would see it as an abandonment in the middle of a process
  o May make some 'feel better' but is like jumping from a plane and then debating whether to pull the ripcord on the parachute or not - we are already launched on a course of action that requires more than postponement
Implications
  o Is a way to defeat the motion as it is deemed defeated if indefinitely postponed.
  o Any reintroduction would require two more General Synods

The House of Bishops offers our reflections on these options to assist the Council of General Synod in its task of preparing the motion to present to GS2019. All of the options we explored have disadvantages. However, although hindsight is 20/20, we must work with our present situation and believe an amendment capturing as much of the above concerns as possible will be the best option. If the House can assist further in creating this amendment we will be glad to be of service.

Respectfully Submitted

The Rt. Revd William G. Cliff
Secretary of the House of Bishops