

Appendix 1 Considering the Motion to Change the Marriage Canon

Background Paper & Resources

Introduction

In one way or another, the Anglican Church of Canada has been discussing the role of lesbian, gay, bisexual, transgender, and queer (“LGBTQ”) Christians in the Church since the mid-1970s when the House of Bishops established the Task Force that led to its 1979 Statement on Sexuality. During these years, there were significant legal, cultural, and social developments in Canadian society with respect to the LGBTQ community. Homosexuality was decriminalized in Canada in 1969. Human and civil rights protection was first extended to gays and lesbians by Quebec in 1977 and by the early 2000s extended across the country. In 2003, Ontario became the first province to allow same-sex couples to marry. A national Law on Civil Marriage was passed by the House of Commons and the Senate and given Royal Assent in July 2005.

Different faith groups have responded to these developments in different ways and with differing degrees of enthusiasm. This is not surprising, as issues of gender and sexuality are closely related to larger theological questions and beliefs about the interpretation of scripture. They also connect with our understanding of the sacraments (i.e., who may have access to a particular sacrament, such as marriage or ordination) and of the church (e.g., our place within the wider Anglican Communion). Similar issues also emerged during the debate around the place and role of women in the Church and in this regard it is worth remembering that women have been ordained as priests in the Anglican Church of Canada only since 1976 (and as bishops since 1994).

At present, there is significant tension within the Anglican Communion around issues of sexuality. Over the past decade and a half, a number of parishes across Canada and the United States have broken communion with the Anglican or Episcopal Church and joined one of the breakaway Anglican groups such as the Anglican Network in Canada (ANIC), which is now part of the Anglican Church in North America (ACNA).

Within the Anglican Church of Canada, the sanctity of same-sex relationships was affirmed by General Synod in 2004 and many dioceses now bless same-sex relationships. Since the passing of the motion to change the Marriage Canon at General Synod 2016, the Dioceses of Niagara, Ottawa, and Toronto have authorised same-sex marriage within individual parishes.

This document is intended to provide background information and resources to help the Diocese of Huron consider the motion to change the Marriage Canon. It has the following sections:

1. The text of the motion to changed the Marriage Canon, as passed by General Synod 2016;
2. Anglican Church of Canada overview and background;
3. Diocese of Huron overview and background;
4. Overview and resources from around the Anglican Communion; and
5. Other resources.

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1. *Motion Passed By General Synod 2016*

Resolution A051 (as amended and carried)

Be it resolved that this General Synod:

1. Declare that Canon XXI (On Marriage in the Church) applies to all persons who are duly qualified by civil law to enter into marriage.
2. Make the following consequential amendments to Canon XXI:
 - (a) in paragraph 2 of the Preface, delete the words “of the union of man and woman in”;
 - (b) in paragraph 4 of the Preface, substitute the words “the parties of the marriage” for the “husband and wife”;
 - (c) in section 16 a) of the Regulations, substitute “the parties to the marriage” for “a man and woman”;
 - (d) in section 17 b) of the Regulations, substitute “the parties of the marriage” for “husband and wife.”
3. Add the following to section 11 of the Regulations:
 - (e) A minister may only solemnize a marriage between persons of the same sex if authorized by the diocesan bishop.
4. Declare that this resolution shall come into effect on the first day of January after being passed by General Synod at Second Reading.

2. *Anglican Church of Canada Overview and Background*

The following section provides a brief overview of events and actions in the Anglican Church of Canada on the question of same-sex marriage and the blessing of same-sex relationships. It provides neither a summary nor full consideration of all statements and resolutions dealing with human sexuality or the ordination of openly gay and lesbian persons. For more detail, see the section on the Anglican Church of Canada web site dealing with same-sex blessings and homosexuality: <http://www.anglican.ca/faith/focus/hs/ssbh/>

1979 Resolution (“Statement on Sexuality”) by the House of Bishops to accept homosexuals as equal before God but not to accept homosexual activity or the blessing of homosexual unions.

- 1995 General Synod approves motion to affirm the presence and contributions of gay men and lesbians in the life of the Church. A motion for the Doctrine & Worship Committee to consult broadly within the Church concerning liturgical recognition of committed monogamous same-gender unions and report at the next General Synod was tabled (and not voted on).
- 1997 House of Bishops Statement on Human Sexuality affirms the traditional teaching that only the sexual union of male and female can find appropriate expression within the covenant of Holy Matrimony. While recognizing that some homosexuals live in committed sexual relationships for mutual support, help, and comfort, the statement calls for study and dialogue; “We are not ready to authorize the blessing of relationships between persons of the same sex.”
- 2002 General Synod of the Diocese of New Westminster approves the blessing of same-sex relationships.
- 2004 A Resolution was approved at General Synod that “affirm[ed] the integrity and sanctity of committed adult same sex relationships,” affirmed the need for adequate episcopal oversight and pastoral care for all, as members of one another in Christ Jesus, and called for further dialogue and study. The original resolution contained a clause affirming the right of any diocesan synod, with the concurrence of its bishop, to authorize the blessing of committed same sex unions; a motion to defer this clause was moved and carried. The deferring motion also requested that the Primate’s Theological Commission consider and report whether the blessing of committed same-sex unions is a matter of doctrine.
- 2005 The St. Michael Report concludes that the blessing of committed same-sex unions is a matter of doctrine, but not core doctrine (i.e., it is not credal).
- Report of the Primate’s Theological Commission of the Anglican Church of Canada on the Blessing of Same-Sex Unions – “The St. Michael Report” (2005)*
<http://www.anglican.ca/primate/tfc/ptc/smr/>
- The Commission also released a number of discussion papers reflecting the diversity of theological opinion within the commission: <http://www.anglican.ca/primate/tfc/ptc/discpapers/>
- 2007 In advance of General Synod, the House of Bishops released a statement advocating “the most generous pastoral response possible within the current teaching of the church” to requests for

the blessing of same-sex unions. A pastoral response may include celebrating a Eucharist with the couple, including appropriate intercessory prayers, but not including the exchange of vows or a nuptial blessing.

At General Synod, the conclusion reached by the St. Michael Report was accepted. A motion 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 was defeated. The Primate's Theological Commission (chaired by Bishop Linda Nicholls) was asked to reflect on two questions in advance of the next General Synod:

- the theological question of whether the blessing of same-sex unions is a faithful, Spirit-led development of Christian doctrine; and
- Scripture's witness to the integrity of every human person and the question of the sanctity of human relationships.

2009 The resulting report, the Galilee Report, is released. It includes a consensus response in the (short) paper "Integrity and Sanctity" followed by a number of individual papers by members as well as invited responses to them. Being more of a compilation of individual papers and responses, it neither drew conclusions nor made recommendations.

Galilee Report (2009)

<http://www.anglican.ca/primate/tfc/ptc/galilee/>

2013 General Synod passes Resolution C003, which directs the Council of General Synod to prepare and present a motion at General Synod 2016 to change the Marriage Canon to allow the marriage of same-sex couples. The motion should include a conscience clause and confirm immunity under civil law, demonstrate broad consultation in its preparation, explain how it does not contravene the Solemn Declaration, and provide a biblical and theological rationale for this change in teaching on the nature of Christian marriage.

A Commission to carry out this resolution was established by Council of General Synod in November 2013. (Bishop Linda Nicholls was a member of this Commission.)

2015 The Report of the Commission on the Marriage Canon, *This Holy Estate*, is submitted to the Council of General Synod in September and published soon after, along with an executive summary, study guide, and annotated bibliography.

“This Holy Estate”: The Report of the Commission on the Marriage Canon (2015)

<http://www.anglican.ca/about/ccc/cogs/cmc/submissions/>

3. *Diocese of Huron Overview and Background*

The following section outlines synodical and episcopal action in the Diocese of Huron with respect to the blessing of same-sex relationships.

- 1995 After considering a report from Family Ministries, *Hearing Diverse Voices: Seeking Common Ground*, the Diocesan Synod passed a motion condemning the mistreatment of homosexual people and endorsing the 1979 Statement of the House of Bishops. Specifically, the motion urged that no change be made to the “practice of the Church with respect to same-sex marriage or the ordination of sexually active homosexual persons”. A second motion encouraged General Synod to postpone “any decisions that might change established policies pertaining to matters of human sexuality until a thorough process of education and understanding has been carried out at the parish level.”
- 2006 A motion that Diocesan Synod should “memorialize the 2007 General Synod to receive the St. Michael Report and adopt its view that the blessing of same-sex unions is closely analogous to marriage and adopt its conclusion that the blessing of same-sex unions is a matter of doctrine (not core doctrine)” was defeated.
- 2008 Diocesan Synod passed a motion (by 72.92% in House of Clergy and 72.29% in the House of Laity) to request that the Bishop grant permission to clergy to bless the civil marriages of same-sex couples. The motion also requested that the Bishop authorize an appropriate rite and make regulations for its use in supportive parishes. Following the passing of the motion, the Bishop of Huron announced to the House that he gave concurrence to the motion and would seek guidance from the House of Bishops and the Lambeth Conference on future action. No action was taken to authorize the blessing of same-sex unions in Huron at that time.
- 2009 The Bishop of Huron approved a liturgical resource on 26 November for the celebration of “the love, mutual fidelity and support that gay and lesbian Anglicans model every day for the church and wider community.” It provided prayers for a civilly married same-sex couple within the context of the celebration of the Eucharist (following the Rite for the Celebration of Civil Marriage). In conformity with the 2007 Statement of the House of Bishops, there are no vows, no blessing of rings, and no nuptial blessing. A

protocol issued along with the Rite indicates that the prior permission of the Bishop is required for its use.

2010 In December, the Bishop of Huron indicated to clergy that, while he had a “desire to move toward same sex blessings when the time is right,” at present, he deemed that the time was not yet right. In his estimation, the protocol of November 2009 provided a sufficient pastoral response to same-sex couples in our communities and will remain in place.

2013 On July 6, the Bishop of Huron approved the blessing of same-sex couples. A revision of the 2009 Rite which includes public vows, the blessing of rings, and a nuptial blessing, is approved and released. It may be used for the blessing of any civilly married couple, regardless of sex.

<http://diohuron.org/wp-content/uploads/2016/12/Huron-Blessing-of-Civil-Marriage-with-Eucharist.pdf>

While the Rite is written without reference to the sex of the couple, if it is to be used to bless a same-sex marriage, the permission of the Diocesan is required; see <http://diohuron.org/wp-content/uploads/2016/12/1.13-The-Blessing-of-a-Same-Sex-Civil-Marriage.pdf>

4. *Overview and Resources from and across the Anglican Communion*

The following section provides a brief overview of some key events and actions by and across the Anglican Communion, with a particular emphasis on the question of same-sex marriage and the blessing of same-sex relationships. It is not exhaustive.

A. The Anglican Communion and GAFCON

1998 Significant tensions over questions of human sexuality emerge amongst Anglican bishops attending the Lambeth Conference. Resolution 1.10 (cited regularly by conservative Anglican groups), while calling for a pastoral response to LGBTQ Christians, rejects “homosexual practice as incompatible with scripture.” It also closes the door to the “legitimising or blessing of same sex unions” as well as the ordination of those in same-sex unions.

2003 The Lambeth Commission on Communion is established to consider the question of unity in the Communion in the wake of the consecration of the openly gay Rt. Revd. Gene Robinson as a bishop in the Episcopal Church in the United States and of the

move of the Diocese of New Westminster in the Anglican Church of Canada to bless same-sex marriages. Its report (“The Windsor Report”), released in 2004, recommended the establishment of an Anglican Covenant amongst the Provinces of the Anglican Communion. It also recommended a moratorium on further consecrations of openly gay bishops and on the approval of public Rites of Blessing of same-sex unions.

Windsor Report (2004)

<http://www.anglicancommunion.org/media/68225/windsor2004full.pdf>

2008 The Global Anglican Futures Conference (GAFCON) of conservative bishops and clergy is held in Jerusalem. Widely regarded as an “alternative Lambeth” (being held a month before the Lambeth Conference, which many conservative bishops did not attend), it resulted in the “Jerusalem Declaration” and the formation of a Fellowship of Confessing Anglicans. While not initiating a formal schism within the Anglican Communion, GAFCON set up separate ecclesial structures (such as the Anglican Church in North America) and argued that being in communion with the Archbishop of Canterbury was not a requisite for Anglican identity.

GAFCON web site: <https://www.gafcon.org>

B. The Church of England

For the past several years, the Church of England has been engaged in a process of Shared Conversations on scripture, mission, and sexuality. This was a key outcome of the 2013 Pilling Report. At the time of writing, the General Synod, at its February 2017 meeting, was set to consider a Report from the House of Bishops that affirms neither the blessing of same-sex relationships nor a change to the traditional doctrine of marriage. A motion to “take note” (i.e., receive) the Report was defeated in the House of Clergy while approved in the other two Houses. As a result, the motion failed and it is not clear what happens next.

The House of Bishops Working Group on Human Sexuality – the *Pilling Report* (2013): a rich resource that summarizes the discussion in the Church of England, including a dissenting statement from the Bishop of Birkenhead

https://www.churchofengland.org/media/1891063/pilling_report_gs_19_29_web.pdf

Grace and Disagreement: Shared Conversations on Scripture, Mission and Sexuality

<https://www.churchofengland.org/our-views/marriage,-family-and-sexuality-issues/human-sexuality/shared-conversations-grace-and-disagreement.aspx>

Grace and Disagreement: A Reader (2014) includes two essays on the interpretation of Scripture, presented from differing perspectives.

<https://www.churchofengland.org/media/2165248/grace2.pdf>

Marriage and Same Sex Relationships after the Shared Conversations: A Report from the House of Bishops (February 2017)

<https://www.churchofengland.org/media/3863472/gs-2055-marriage-and-same-sex-relationships-after-the-shared-conversations-report-from-the-house-of-bishops.pdf>

C. The Church in Wales

Following debate at its September 2015 meeting, in a straw poll a majority (52%) of members of the Governing Body expressed support for same-sex marriage. This followed several years of consultation across dioceses.

Given the requirement for two-thirds approval, the Bishops indicated that legislation to effect the change would not be forthcoming at this time but provided prayers that may be used with same-sex couples.

D. The Scottish Episcopal Church

Passed a first reading of a change to the Canon on marriage (Canon 31) at its 2016 General Synod (June 2016). “Discussion and comment” is being undertaken at Diocesan Synods over this year in preparation for voting on a second reading of the change at General Synod 2017.

E. The Episcopal Church in the United States

At its 78th General Convention (2015), the Episcopal Church amended Canon 1.18 to “regulate celebration and blessing of marriage and permitting the union of any couple so long as the marriage shall conform to civil and canon law.” The canon change followed the establishment of a Task Force on the Study of Marriage at the previous General Convention (2012), which also commended the first edition of *I Will Bless You and You Will Be a Blessing* “for study and use throughout the Church.” This document (see below) in revised and expanded form was authorized for trial use at the 2015 General Convention.

I Will Bless You and You Will Be a Blessing combines into a single document many items that the Anglican Church of Canada has made available separately (or not yet developed, such as liturgical resources):

- Section III (“Faith, Hope, and Love: Theological Resources for Blessing Same-Sex Relationships”) is a theological resource that includes responses written from a range of theological perspectives;
- Section IV: “Hearing, Seeing, and Declaring New Things: Pastoral Resources for Preparing Couples for a Liturgy of Blessing or Marriage”
- Section V: Liturgical Resources for Blessing Same-Sex Relationships
- Section VI: Discussion Guides to *I Will Bless You and You Will Be a Blessing* (including handouts)
- The appendices include a history of changes to the Marriage Canon and a review of General Convention deliberations and legislation about the place of gay men and lesbians in the life of the Church (beginning in 1976)

I Will Bless You and You Will Be a Blessing. Revised & expanded edition. As Authorized by the 78th General Convention, 2015. (158 pp.)
<https://extranet.generalconvention.org/staff/files/download/15668>

F. The Anglican Church of Southern Africa

Voted against authorising same-sex blessings at its most recent Provincial Synod (October 2016).

G. The Anglican Church in Aotearoa, New Zealand and Polynesia

In May 2016, the Anglican Church in Aotearoa, New Zealand and Polynesia deferred a decision about blessing same-sex marriages until its next General Synod in 2018.

H. The Episcopal Anglican Church of Brazil

The Episcopal Anglican Church of Brazil will consider a proposal to add same-sex marriage to its Marriage Canon at General Synod 2017.

5. Other Resources

The annotated bibliography developed by the Commission on the Marriage Canon is to be highly commended:

<http://www.anglican.ca/wp-content/uploads/CMC-Annotated-bibliography.pdf>

Out of a vast array of books and articles, three recent books that outline an affirming position may be recommended:

Coren, Michael. *Epiphany: A Christian’s Change of Heart and Mind Over Same-Sex Marriage*. Toronto: Signal, 2016. [available as an e-book]

Davison, Andrew. *Amazing Love: Theology for Understanding Discipleship, Sexuality and Mission*. London: Darton, Longman & Todd, 2016.

Vines, Matthew. *God and the Gay Christian: the Biblical Case in Favour of Same-Sex Relationships*. New York: Convergent, 2014. [available as an e-book]

For arguments in favour of the traditional definition of marriage, see:

Evaluating “This Holy Estate”: Essays on the Report of the Anglican Church of Canada’s Commission on the Marriage Canon.

<http://livingchurch.org/covenant/category/evaluating-this-holy-estate/>

- Zachary Guiliano, “Evaluating ‘This Holy Estate’: Disrupting ecumenical and Anglican harmony” (published 14 June 2016);
- Joey Royal, “Evaluating ‘This Holy Estate’: Sidelining Indigenous Voices” (published 13 June 2016);
- Christopher Seitz, “Evaluating ‘This Holy Estate’: Misunderstanding Acts 15” (published 12 June 2016);
- Jeff Boldt, “Evaluating ‘This Holy Estate’: Same-sex marriage and a failed argument from analogy” (published 11 June 2016);
- Murray Henderson, “Evaluating ‘This Holy Estate’: Misreading Romans 1 and Richard Hay” (published 10 June 2016);
- Cole Hartin, “Evaluating ‘This Holy Estate’: Dismissing Our Lord and his Gospels” (published 9 June 2016);
- David Ney, “Evaluating ‘This Holy Estate’: Ignoring the Old Testament” (published 8 June 2016);
- Catherine Sider-Hamilton, “Evaluating ‘This Holy Estate’: Locating ourselves in the biblical narrative” (published 7 June 2016);
- Dane Neufeld, “Evaluating ‘This Holy Estate’: Its invitation to read Scripture” (published 6 June 2016);
- Zachary Guiliano, “Evaluating ‘This Holy Estate’: An introduction” (published 5 June 2016).

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