

## **Submission to the Commission on the Marriage Canon, August 22 2014**

In 2013, General Synod passed a resolution directing COGS to prepare and present a motion at General Synod 2016 to change Canon XXI on Marriage to allow the marriage of same-sex couples in the same way as opposite-sex couples, and that the motion should include a conscience clause.

The purpose of this submission is to request that the recommendations of the Commission be sufficiently broad so as to address the needs of transgender individuals as well as individuals who are gay, lesbian and bi-sexual. Many contributors will no doubt be very ably arguing the moral, theological and pastoral case for supporting the Christian marriage of LGB individuals; this submission is intended to build on those arguments for the benefit of an additional group of transgender people who could otherwise find themselves excluded from a process that may not be revisited for many years to come.

- The 2009-2010 Trans PULSE community-based research project, published in April 2014, concludes that as many as 1 in 200 Ontario adults may be trans (transgender, transsexual, transitioned). Such individuals typically experience 'gender dysphoria', often from a very young age. This means that they do not experience themselves as the gender they were labeled at birth. People who are trans may also use the labels of transgender, transsexual, gender non-conforming, gender variant, genderqueer, gender fluid, or pangender.
- Human gender is a much broader concept than sexual orientation, which primarily describes sexual attraction, i.e. being gay, lesbian or bisexual. Gender encompasses four separate dimensions of human nature: gender identity, gender expression, biological sex and sexual attraction, all of which operate independently of each other to produce the wonderful and remarkable diversity of human beings that God has created. Trans individuals are no more or less likely to be homosexual than the rest of the population, but because they are part of the familiar LGBTQ acronym, they are frequently confused with LGB people.
- The terms "same-sex marriage" or "same-sex blessings" unfortunately perpetuate this problem. Trans people are no different than other human beings- they hope for loving, caring partners of the same or opposite gender with whom to share their lives. If they are Christians, they hope that their relationships can be strengthened, affirmed and blessed through the sacrament of marriage for themselves, their families and in the sight of their faith community.
- The Canadian legal system only recognizes two 'gender markers', male and female. Many trans individuals feel compelled to transition from their gender as assigned at birth to the gender they know themselves to be.

This can be an extraordinarily difficult medical, social and legal process involving a name change, counseling, possibly hormones and/or reassignment surgery, and changes to legal status and official documents. The complexity this creates for a traditional, religious system of marriage that presumes that all people are cisgender (meaning not transgender) as well as being heterosexual leaves transgender individuals at a huge and often insurmountable disadvantage. They may choose to stay outside the church community at exactly the time they most desperately need its love, grace and support. Some may choose a courageous path of celibacy. Others may hide their real gender identity and remain in unhappy and dishonest marital relationships.

- The Human Rights Codes and related statutes in Canada and the Provinces are increasingly being amended to address issues of gender as distinct from so-called 'same sex' matters. The Ontario Human Rights Code includes both gender identity and gender expression among its prohibited grounds of discrimination. Religious officials remain protected under statute from a requirement to solemnize a marriage where this would either be contrary to the person's religious belief or the doctrines, rites, usages or customs of the religious body to which the person belongs. MPP Cheri DiNovo's landmark bill Toby's Act became Toby's Law in 2012. Finally, Bill C-279, which would amend the Canadian Human Rights Act to include gender expression or gender identity, is currently undergoing second reading in the Senate.
- This submission urges the Commission to ensure that its deliberations fully take into account the marital and spiritual needs and concerns of transgender Anglicans and other transgender individuals across Canada as it prepares its findings and recommendations on Canon XXI. Surely transgender individuals are as equally entitled to the mutual fellowship, support, and comfort arising from marriage as any others? The details of a solution are clearly not easy to arrive at, but perhaps they can be approached in the spirit of the "pastoral generosity" described in the Diocese of Toronto's Pastoral Guidelines on the Blessing of Same Gender Commitments. First, broadening and reframing the Commission's findings from addressing same-sex marriage to same-gender marriage would be a helpful and progressive start. Second, definitional issues (asserting that men can marry other men and women other women) can be resolved by removing gender as a basis for being able to marry. Finally, if the work of the Commission were to acknowledge the issues and needs of transgender individuals at the same time as those of LGB individuals, this would be a huge and visible step towards equity of treatment on the part of the Anglican Church of Canada.

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