

Submission to the Commission on the Marriage Canon

This submission is grounded in reflections on lifelong belonging to the Christian Church together with thirty-five years of ordained service in parish ministry and diocesan life. It is crafted from both the perspectives and limitations of the same.

Social engagement.

I cut my theological teeth on the legacies of The Antigonish Movement, The Anglican Fellowship for Social Action (AFSA), and church leaders such as Archbishops William Temple and Ted Scott. Social gospel is the conventional term for this tradition; but I prefer the term social engagement. It implies mutuality in terms of how the church interacts with its social and cultural context. It is a corrective to a kind of Christian chauvinism that often characterizes the church's approach to social and cultural issues. The definitive word of God is found first and foremost not in a book but in a person --Jesus the Christ (Karl Barth *et al*). Bernard Lonergan notes that the word of the Gospel, "announces that God has loved us first...had revealed that love in Christ crucified, dead, risen. ... The word, too is social: it brings into a single fold the scattered sheep that belong together because at the depth of their hearts they respond to the same mystery of love and awe. The word, finally, is historical. It is meaning outwardly expressed." (1) Scripture and tradition utilized through intelligent inquiry confront us with the living Christ who calls us to be faithful to both God and neighbor in a dynamic world.

Social engagement is a frontier for Christians, and that frontier frequently a no man's land where the church falters and fails. The church that preaches to others has had profound difficulty in saving itself from complicity with oppression. A few examples will suffice.

Anti-Semitism is grounded in the writings of the Christian New Testament. The church's historic complicity in persecution and pogroms is well documented. Christian theologians and liturgists have been left struggling to respond to anti-Semitism in the wake of the *Shoah* (2) Christians often imagine that the church was instrumental in the abolition of slavery. The historical record indicates otherwise. While some Christians were passionate abolitionists, slavery ended largely because of enlightenment humanism and advances in technology derived from the industrial revolution. Rowan Williams, the then Archbishop of Canterbury, called in 2006 for the church to apologize for past involvement with slavery. (3) Canadian Anglicans know firsthand our church's connection with colonialism. Our complicity through residential schools with systemic racism and the consequent physical, emotional, sexual, and cultural abuse of aboriginal children eventually required us to issue a formal apology and more recently to denounce the doctrine of discovery. We remain in the process of re-building relationships with First Nations. Each of the catastrophic social failures mentioned here are different from one another. Yet each one reminds us of a past in which doctrinaire belief resulted in tragic consequences, corporate repentance, and the imperative to learn from our mistakes. The church now struggles with the aftermath of the sexual revolution, and with profoundly new insights into

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the natural phenomena of the human sexual response. It is not difficult to imagine a future day when the church will engage in a corporate act of repentance for its involvement in the social marginalization of GLBTQ communities. A way forward will require reform of our structures including pastoral policies and canons. Former Canadian Primate Ted Scott observed the following regarding the authority of structures in relation to the authority of Christ, "The direct authority which Jesus exercised held truth and love intertwined; nothing is really true unless love is involved in it" (4)

Pastoral.

It was a privilege as a parish priest to sit down and talk with couples about the promises they would make on their wedding day. (5) The espousals speak boldly about "forsaking all others", and "to be faithful to him/her alone as long as you both shall live". Couples vow to do so "for better, for worse, for richer, for poorer, in sickness and in health." Each vows to be with the other as a unique companion, to share the blessings of the future, the blessings of prosperity, to face together the challenges of financial and economic struggle, chronic illness and aging, to be with one another throughout the joys and sorrows of family and friends.

Interestingly there is no mention of children in the vows. Some couples may have children before marriage including from previous relationships. Other couples are past child bearing age. Many young couples will make these vows anticipating the providential gift of children. Some couples, with the benefit of genetic counseling, decide not to conceive. For others adoption or surrogacy may provide the gift of a child.

The vows are completely egalitarian with identical wording for both partners to the marriage. The vows do not describe gender specific social roles. Clearly the vows must be contextualized within a tradition that has held that wedding vows are made between one male and one female. Yet, cannot the vows be interpreted more broadly as appropriate to a marriage between two persons of the same sex? Surely the supports, responsibilities and benefits articulated in the espousals and vows are a possibility for same sex marriages? The vows make reference to "God's holy law". Whatever else this may mean, could it not at its core simply mean that the "vow and covenant" that the couple enter into is modeled on God's enduring covenant love? Could we not therefore imagine a slightly revised text for the vows i.e. I N. take you N. to be my wife/husband/spouse/beloved? Marriage is not a reward that the church bestows upon couples in recognition of their orthodoxy. Marriage is a social contract which may be sanctified with the hope that two persons may be given the means of grace to effectively mirror God's covenant love.

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Polity

As a parish priest I had a number opportunities to participate in church polity including about forty diocesan synods, two general synods, and a decade as archdeacon. Polity offers insight into *how* decisions are made. The terms polity and politics are cognates. Anyone who has attended a synod knows this truth to be self-evident. Few issues in the church are pure theology. The kingdom of God, Constantine's Christendom, The Elizabethan Settlement, each have important political vectors. The motion from General Synod that provides The Commission with its mandate is a frame through which we may view something of the politics of the issues. The original motion called for a drafting of a proposed amendment to The Marriage Canon with provision for conscience. However the motion was expanded by amendment. It is a challenge to read the amendments as completely friendly to the original motion. The motion reflects the difficulties in attempting to honest broker conflicting, sometimes irreconcilable, views while acting as change agent at the same time. Compromise is the stated goal; but dysfunction and polarization are equally possible outcomes. The prospect of canonical change in terms of reducing down the marginalization of same sex couples in the church is now hitched to the wagon of protecting the rights of social conservatives from alleged future marginalization. This is the mirror opposite situation to that of the wider society in which the marginalization of members of the GLBTQ communities has decreased significantly while purely religious or ideological opposition to limiting their rights has been qualified. What constitutes a reasonable balance in the church between decreasing the marginalization of same sex couples and preventing the possible marginalization that some social conservatives appear to fear? The current process runs the risk of continuing the empowerment of a well established conservative niche at the expense of a more vulnerable group. Social conservatives express anxiety about becoming victims of conscience. This claim, reflective in part of a kind of clericalism, needs to be evaluated against the disproportionate political access conservative voices often enjoy in the church. The proposal seems to be that progressive reform is to be opposed with the fall back that those so opposed are guaranteed virtual exemption should reform occur. This observation leads me to particular features framed by the motion, i.e. human rights and the proposed conscience clause.

The theoretical underpinning of human rights is complex enough; but connecting human rights to theology is more complex still. (6) However, special pleading to exempt the church from human rights on theological grounds is not convincing. One of the primary transcendent values found throughout the Hebrew and Christian scriptures is the notion of justice. Justice is a characteristic of God, it's a characteristic of the kingdom of God, it has been a characteristic of the church's presumption to speak to social issues. It is disappointing that the only mention of human rights in the motion passed by GS is a concern to shield clerical privilege from secular

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human rights requirements. The fear of some in the church of secular human rights is palpable but feared outcomes are implausible. However, it's an indication of the work that must be done to bridge moral theology with human rights in order to remediate the credibility of the church as a voice in public discourse. The idea that bishops would have the right not to authorize same sex marriages, giving their diocese an effective veto over any revision, is especially problematic. Such a provision would effectively marginalize couples in an entire diocese. It would make revision locally moot and a balancing of rights untenable.

Conscience clauses tend to freeze frame tension and shift the burden of conscience away from the individual and toward the community from which the individual dissents. Over the long haul complete conscientious exemption deprives the troubled conscience of opportunity to wrestle with important implications. The current Marriage Canon XXI.1 (11) (d) gives clergy discretion to refuse to solemnize a particular marriage. There are a number of valid pastoral, ethical or legal concerns that may inform a priest's decision in this regard. However, conscientious exemption based solely on the sexual orientation of the couple must be balanced with the rights of the couple to be married in the church without discrimination. A model for such a provision may be found in the current Canon XXI. IV (29) (d). The provision of universal access to alternative pastoral care must be a *sine qua non*.

There is a wry saying about ongoing controversial debates, "Everything has been said; it's just that not everyone has said it." Surely we must be nearing such a far point in this conversation. The General Synod of the Anglican Church of Canada ought to be trusted to do its job by being given the opportunity to consider the canonical amendment it has directed be prepared. The current state of the question evidences the fault lines between irreconcilable views with the very real possibility of continued conflict. It is only human to wish to avoid conflict. The problem is that sometimes conflict avoidance results not in compromise but in entrenched polarization with social justice for the oppressed or marginalized as the principal casualty

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Endnotes

1. Bernard Lonergan, Method in Theology. Darton, Longman & Todd Ltd. 1971. p. 113
2. The Good Friday Liturgy in The Book of Alternative Services of the Anglican Church of Canada. The Anglican Book Centre, Toronto. 1985. pp. 308-320. [Note the rubrics pertaining to The Passion Gospel p. 309 and Anthem 1 paragraph 9, p. 316]
3. BBC News *et al* February 8, 2006
4. Edward W. Scott, The Authority of Love in Authority in the Anglican Communion. ed. by Stephen W. Sykes. Anglican Book Centre, Toronto, 1987. p. 67
5. The Celebration and Blessing of a Marriage in The Book of Alternative Services., Ibid. pp. 526 ff. [note the espousals and vows in The Wedding pp. 520-523 and pp.543-544.]
6. Faith, Cultures and Global Ethics in The Global Face of Public Faith: Politics, Human Rights, and Christian Ethics. David Hollenbach, S.J. Georgetown University Press, Washington, D.C., 2003. pp. 231-254.