



DIOCESE OF ALGOMA

From the Bishop

23 September 2014

Canon Robert Falby
Chair
Commission on the Marriage Canon
The Anglican Church of Canada
80 Hayden Street
Toronto, ON M4Y 3G2

Dear Bob,

Thank you for your invitation to offer my reflections on the Solemn Declaration in relation to the General Synod motion to change the Marriage Canon. My main reason for including an amendment that addresses the Solemn Declaration was that the Solemn Declaration was an important part of our discussions on the various motions treating the blessing of same-sex unions in previous synods. It was my hope that some clarity on this matter would facilitate our discussions when the revised canon comes to the floor of the synod in 2016.

Perhaps I could take your invitation further as an expression of interest in my personal views in this matter. I do not have a background in canon law, as you know, so please forgive any ignorance or incoherence in my comments and questions. If there is any merit in submitting them, it is that they may reflect similar assumptions and questions shared more broadly in the Church.

The first thing I would observe is that Canon XXI understands itself as defining the 'Christian Doctrine of marriage' (27.f). While the Canon is not explicit with respect to the gender identity of the parties to a marriage, it is clear that the assumption is that marriage is a 'lifelong union in faithful love' of a man and a woman. We can say this with confidence because the Canon begins by affirming a vision of marriage 'according to our Lord's teaching as found in Holy Scripture and expressed in the Form of Solemnization of Matrimony in the Book of Common Prayer'. 'Our Lord's teaching' is that marriage is between a man and a woman and rooted in the created order (Mark 10.6-10). And, of course, the *Book of Common Prayer* states that 'matrimony was ordained for the hallowing of the union betwixt man and woman'.

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Consequently, the proposed canon authorising marriage between same sex parties would mark a change in the Church's doctrine. And it is because we are contemplating a change in doctrine that we are required to pass the canon by a super majority at two successive synods, where other canonical changes require a super majority at only one synod (see Declaration of Principles 11.c.i and 11.c.ii).

Now, it is worth noting that the present marriage canon's appeal to Christ's teaching and the *Book of Common Prayer* keeps it within the ecclesial parameters set forth by the Solemn Declaration, which affirms the Church's determination 'to hold and maintain the Doctrine, Sacraments and Discipline of Christ as the Lord hath commanded in His Holy Word, and as the Church of England hath received and set forth the same in "The Book of Common Prayer [. . .]"'. And, while it is clearly within the jurisdiction of General Synod to modify Church doctrine (Declaration of Principles, Section 6), changes are expected to be 'in harmony with the Solemn Declaration' (6.i).

The question of whether or not the proposed canon is 'in harmony' with the Solemn Declaration is, of course, disputed. But it is an important question that the Synod ought to resolve. For, although Chancellor Stevenson was not happy with the distinction between *adiaphora* and 'core doctrine' offered by the *St Michael Report*, his opinion in 2006 ('Clarity Report') was that if a contemplated change of doctrine 'rose to the level of a change in core doctrine, General Synod would not be able to take any action as its powers to define doctrine can only be exercised in harmony with the Solemn Declaration which incorporates the creeds by reference.' The Solemn Declaration also incorporates the *Book of Common Prayer* 'by reference', so it would seem that any attempt to reframe the Prayer Book's understanding of marriage should require a rationale that addresses the relevance of the Solemn Declaration in this matter. Moreover, I would suggest, this rationale should make clear why a change in the Church's doctrine of marriage would differ from any attempt to make a change to a creed.

The second observation is that the Solemn Declaration makes reference to the 'full communion' which we enjoy with 'the Church of England throughout the world'. Many would take this to be a reference to the Anglican Communion, and on the matter of same-sex unions, the wider Anglican Communion, through all of the 'instruments of unity', has affirmed the traditional teaching on the matter of marriage. A change in the marriage canon to allow for the marriage of same sex individuals could lead to a rift in most of our Communion relationships, and thus put us at odds with the Solemn Declaration.

Finally, I have read Archdeacon Perry's submission to the Commission and, although I may have missed the nuances of his arguments, I do not at this point find his conclusions convincing. His argument rests, in the first place, on a grammatical observation that neither the Solemn Declaration, nor the Declaration of Principles in their reference to the Solemn Declaration, employ mandatory language. This may be granted, but at some

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point it seems to me that declarative statements have a prescriptive quality. I think that this must be implied in Archdeacon Perry's conviction that the Solemn Declaration constitutes a 'declaration of continuity with the past'. So, for instance, in the audited financial statements of the General Synod, the Solemn Declaration is referred to in a way that suggests that the financial operations of the Synod are intended to fulfill the purposes and intentions of the Declaration. And it may be asked whether or not our charitable status could be imperiled if the Church's commitments deviated from these purposes and intentions, irrespective of the historically contingent nature of the Declaration. Indeed, my recollection of 11.a.i of the Declaration of Principles (that the Solemn Declaration is unamendable because it 'belongs in a particular historical context') is that this was not intended to historicize the Declaration, but to protect it in the Synod's attempt in 2007 to eliminate redundancy in the Constitution and the Declaration of Principles (here, of course, I would defer to you, since I think it was you who orchestrated the redrafting!).

This is all to say that the Solemn Declaration cannot be regarded simply as an impotent relic of the past. Archdeacon Perry helpfully recounts ways in which the General Synod has acted that may be construed as innovative when compared to Canadian Anglicanism in 1873. But he regards these innovations as 'significant', without ever defining the term. It would seem to me to be incumbent on the Synod to understand and agree on the limits of continuity, and it would be my position that a canonical change that would permit the marriage of same sex individuals contravenes the Solemn Declaration in a fundamental doctrinal matter that is discordant with the teaching of both the Prayer Book and our Lord.

Sincerely,

A handwritten signature in black ink, appearing to read '+ Stephen'.

The Rt Rev'd Dr Stephen Andrews
Bishop of Algoma