

DIVORCE AND REMARRIAGE IN THE ANGLICAN CHURCH OF CANADA:

An example of change in doctrine & practice

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AS THE CHURCH wrestles with a variety of pastoral issues, not least of which currently is the blessing of same-sex unions, it is instructive to ask how the church has handled similar issues in the past. One of these issues, within the current memory of many in the church, is that of the permission for divorced persons to be remarried with the blessing of the church. Although The Anglican Church of Canada gave permission for the remarriage of divorced persons in 1967, the path to arrive at that decision began in the 1800's.

The earliest conversations on this issue began due to pastoral concern for the status of the “innocent party” in a divorce. The Episcopal Church in the United States gave permission for the innocent party in a divorce to remarry in 1808 however no other Church of the Anglican Communion officially did so until the next century. Lambeth 1888 maintained the indissolubility of marriage, though recognized the Matthean exception of adultery and fornication, and affirmed the prohibition of the remarriage of persons divorced for any other reason during the lifetime of the other party. Some leeway was presumed for the innocent party though this was disputed as an increasing emphasis on indissolubility of the marriage covenant strengthened within Anglicanism.

A Joint Committee of the Provincial Synod of Canada in 1892 examined various aspects of the debate and submitted a report in which the majority opinion upheld the then current practice and even suggested that the Matthean Exception (for adultery) was abrogated “...when Jerusalem was destroyed and when the full Christian law came into operation.”¹ It left open the possibility of remarriage of the innocent party through a civil marriage with permission to take Holy Communion but only after Episcopal approval. A minority opinion was appended and noted: “The undersigned also begs to represent that to refuse marriage to the innocent party is a violation of natural justice, inasmuch as it deprives him arbitrarily, without any offence, or fault of his, of one of the most sacred of natural rights.”²

As the debates continued the primary tensions in the discussions were between the sacramental indissolubility of the marriage covenant, the pastoral status of divorced persons in the ongoing life of the Church re admittance to Holy Communion and the possibility of remarriage within the Church as an issue of pastoral grace and justice.

1. Millman, T.R. *Marriage Legislation of the Protestant Episcopal Church* (paper – no date) Anglican Church of Canada Archives, pg 3.

2. Report on Marriage and Divorce, Provincial Synod of Canada. 1892 Anglican Church of Canada archives.

These tensions ran alongside the changes in civil society in Britain and Canada that loosened restrictions and access to divorce and remarriage.

The Lambeth Conference of 1920 reiterated the indissolubility of marriage and the Council for Social Service that same year restated that, since Jesus had declared that the remarriage of divorced persons initiated adultery, it must be opposed. In subsequent years the discussion shifted to focus on the grounds for ecclesiastical annulment. If marriage was indissoluble, the only way to address the pastoral concerns was to look at the initial formation of the marriage bond and address its credibility.

However, continued concern for the innocent party led to an attempt again at General Synod 1949 to permit the remarriage of the innocent party in the church after divorce. It was still deemed too radical a departure from the existing practice of most of the Anglican Communion and was rejected. The only slight change was to that admittance to Communion for a remarried innocent party no longer required Episcopal permission (as long as the person was otherwise qualified to receive communion).

A further Commission on marriage was established in the 1950's to continue to explore the tension between the principle of indissolubility and the pastoral needs of individuals and families, alongside the changes in secular practices. This finally came to a conclusion with the approval in principle at General Synod 1965 for a change to the Marriage Canon such that divorced persons could make an application to the Bishop for remarriage in the church. With revisions to the Canon, including the establishment of Matrimonial Commissions under the authority of the Bishop to review applications for remarriage, it was finally authorized in 1967. The Commission on Marriage and Related Matters came to the understanding that the doctrine of indissolubility could not be sustained theologically or in tradition, noting that the doctrine of indissolubility had at no time in history been accepted unanimously across the Christian church.³

A trajectory that began in the late 19th century reached an official conclusion in 1967, nearly seventy years later. As with other changes to tradition and practice, the received theological tradition came under pressure from pastoral and social changes. Discernment of the interpretation of scripture engaged with historical reflection on the nature of marriage across the Christian community and social realities. Different parts of the Anglican Communion made changes at different times with Canada near the forefront of changes in the 20th Century. As noted in a report for the Church of England in 1971 "...it appears that the steps taken by the Church of Canada in 1967 are providing a pattern for other Churches to follow..."⁴

A further revision to Canon XXI was made in 2004 which permits the Bishop to delegate the authority to approve an application for remarriage either to a Matrimonial Commission or to the incumbent of the parish where application is made, with the proviso that the necessary preparation is undertaken. At all times there has been provision for clergy whose conscience will not permit them to remarry divorced persons, a symbol of the ongoing tensions present in our decisions.

Although the doctrine of indissolubility came under question in the course of the discussions the Marriage Canon maintains an emphasis on continuing and shared core principles of marriage consistent with tradition and practice. The current Canon XXI on Marriage in the Anglican Church of Canada is clear that '...marriage is a

3. Winnett, A.R. *The Church and Divorce: A Factual Survey*. London: Mowbray, 1968. p. 45-46.

4. Waddam, Herbert "Marriage and Divorce in the Anglican Communion," in *Marriage and Divorce and the Church: The Report of a Commission Appointed by the Archbishop of Canterbury to Prepare a Statement on the Christian Doctrine of Marriage*, London, SPCK, 1971. pg. 155.

lifelong union in faithful love, and that marriage vows are a commitment to this union for better or for worse, to the exclusion of all others on either side.” Divorced applicants for remarriage must “understand the Christian Doctrine of marriage as defined in this Canon, and intend to enter into such a marriage, and believe on reasonable grounds that they have the capacity to enter into and sustain the marriage during their joint lives.” (Canon XXI Section 2 Part IV).

What does the example of divorce and remarriage say to The Anglican Church of Canada in the 21st Century wrestling with different moral issues? It is clear that there is a direct connection between what is happening in the social milieu around the church and its response. The church is part of that milieu and must engage with it to meet pastoral needs. Those needs are recognized and appropriate response is sought in dialogue with key doctrinal themes including creation, covenant, justice, grace, forgiveness, and redemption. Scripture is essential to the discussion yet is also influenced by current interpretative models in a dynamic conversation with the pastoral concerns and our tradition. It is clear that the Church, through Synod, remained willing to engage the concerns brought to it by dioceses and provinces through those seventy year with careful discussion and reflection in an ongoing dialogue. There is nothing to indicate that the dialogue is finished, for concern for marriage and family relationships continues as do revisions to our Canons. As in current debates, attention was paid to the place of The Anglican Church of Canada within the Anglican Communion, sometimes holding back on change as being too radical within the Communion and ultimately choosing to make the changes after serious, extended deliberation. Attention was paid to the wider Christian community to see how the doctrines associated with marriage are engaged there and discovered diversity in tradition and practice on the matter of indissolubility.

The Anglican Church of Canada has established a pattern of careful deliberation in dialogue with scripture, our tradition and the wider Church that continues to be practiced in ongoing moral debates. It is a complex process that engages people at all levels and is never fully completed. Our Church has the resources, in these patterns of engagement to discern future moral challenges and hold together the tensions that may take us many years to resolve.