

I strongly support the full inclusion of LGBTQ persons in all ministries of the church, and I am very pleased to live in a country in which civil marriage is fully available to same-gender couples. I am not, however, convinced that the church should be performing marriages for anyone. I am aware that one of the options which has been considered, in order to resolve the tensions over same-sex/same-gender marriage, has been getting the church out of the business of marriages altogether, and offering blessings to those couples who wish to have their relationships recognized in the church. Though I suspect that is not the direction in which the commission is tending, I am writing to support this option.

The history of the complex institution called marriage is undoubtedly well-known to you, but it may be worth a brief review of some crucial points. In the classical world from which Christianity emerged, marriages were for the most part contractual and commercial arrangements between heads of families in the upper social classes. The most significant property at issue, of course, was the woman who was being married, and more specifically her reproductive capacity; marriage was primarily about rights of inheritance and the establishment of clear lines of generational property transfer, with fertile female bodies as the economic unit most in need of clear control. Among the lower social classes, with less property at stake, a marriage could, in some cultures and circumstances, be created by simple consent of the couple involved. There were, in different cultures, a variety of public rites for marriages, as well as a variety of contractual agreements which could involve religious authorities (as was apparently the case in Second Temple Judaism), but no one single procedure seem to have been required for a marriage to be seen as “real.” All, however, were essentially about establishing lines of inheritance or, to express it more brutally, about control of property and of women's bodies. Sometimes marriages also involved deep affection and companionship, and there are some eloquent witnesses to this in the scriptural and historical records, but this was by no means a universal expectation.

The New Testament reflects a distinctly ambiguous attitude to marriage, but the overall sense is that of a community which regarded marriage as, for the most part, a distraction in a time of eschatological crisis. While the crisis orientation faded, the writers of the early church almost invariably continued to see marriage as an adequate but inferior way of life, with celibacy distinctly preferable. In sharp contrast to the Jewish tradition, the early church did not, in general, rate the bearing of children very highly.

Given this ambiguity, it is not surprising that it was some time before the church became involved in “performing” marriages, with the practice beginning most likely around the 5<sup>th</sup> century. However, for centuries after this, many marriages still occurred outside of the church, quite often still through simple mutual consent or informal community rituals, although marriages in the higher social strata were more formal, with contractual aspects clearly a priority. It was not until the 13<sup>th</sup> century that marriage began to be spoken of as a sacrament administered by the church, and probably not until the 17<sup>th</sup> century, in the early modern period, that a public rite with both religious and legal aspects became a requirement. During this long evolution, the latter part of which coincided with the slow development of the nation-state as the primary power centre, marriage also became an increasingly state-regulated act, with the church acting as an arm of the state in this regulation.

I rehearse this history, which I am sure is familiar to the commissioners, to make the point that the idea of marriage as a sacrament, or even as a rite performed primarily by the church, is not only a late development, but also one which has never entirely solidified theologically. Theologians as different as John Macquarrie [*A Guide to the Sacraments*, Continuum, New York, New York, 1997] and Alexander Schmemmann [*For the Life of the World*, St Vladimir's Seminary Press, Crestwood, New York, 1988] begin chapters on marriage by acknowledging that its status as a sacrament seems vexed and possibly inappropriate. And it is not clear that we do in fact treat marriage as a sacrament in practice. We draw,

for one thing, no functional or theological distinction between couples who have a “church wedding” and couples who have a purely civil wedding – but we do distinguish between couples legally married in either way, and Christian couples who make a permanent, covenantal, common-law commitment. This suggests that, in practice, we privilege the state-controlled contract over the intention of the couple, even though we acknowledge, theologically, that the “ministers of the sacrament”, in the case of marriage regarded as a religious commitment to vowed relationship, are the couple themselves.

The idea of a sacrament which can be reversed by the purely civil action of divorce is also, it seems to me, peculiar. Permanent monastic vows, which are not considered sacraments, are harder to dissolve than marriages, and their dissolution requires more ecclesial involvement. (I should note that I am not arguing for a restoration of a ban on divorce, which would be pastorally disastrous among other things – I am simply trying to indicate that there are obvious fault lines in our sacramental theology when it comes to marriage).

Essentially, marriage has always been, and continues to be, a legal contract, an arrangement of property and inheritance based on the underlying principle that female bodies and their reproductive capacities are transferrable units, and, at least from the early modern period onwards, an act in the first instance of the state, though one in which the church is often intermingled. As Mark D. Jordan puts it, “The motley history of Christian weddings is united by the effort to sacralize existing civil rites ... If Christian blessings on unions do nothing but acknowledge or accessorize civil unions, then Christian liturgy, with or without its history, is reduced to decoration or supplementary social control.” [*Blessing Same-Sex Unions: The perils of queer romance and the confusions of Christian marriage*, University of Chicago Press, Chicago, 2005, p 142]

To say this is by no means to disparage the importance of loving, voluntarily-chosen, intimate relationships of vowed commitment. These relationships (whether among persons of the same or differing sexes or genders) are indeed among the chief means by which we come to understand covenantal love and self-surrender, and are certainly sacramentals which function in a profound way for many Christians. All loving human relationships, but especially lasting relationships of intimacy and vowed commitment, are creative acts, and a part of how we are enabled to share with God in the ongoing creation of reality. Vowed relationships are made over time, and involve our hearts and minds and bodies in a constant unfolding process; a process which is part of the ongoing making of the world, a process which is profoundly aligned with the continuous work of God in the world.

Indeed, the “straight” community could greatly enrich its experience and understanding of relationship through greater listening to the LGBTQ communities, in which generations of people, including many faithful Christians, have been doing the hard work of creating and sustaining deep and faithful relationships in the absence of socially approved norms, indeed in the face of hostility and danger; relationships in which commitment has been maintained without the “technologies of control” which support heterosexual marriage; relationships which have been, at least sometimes, less influenced by gendered power dichotomies, more egalitarian, and less beholden to an exclusive ideal of biological reproduction.

I am hopeful that all of us can continue to redefine the potential and depth of vowed relationships. But I would argue is that it is more helpful to us to separate these relationships, at least conceptually, from the legal and economic relationship called “marriage”, although in practice they will very often continue to overlap. Marriage as covenant is created by the mutual consent of those promising themselves to each other before God. But the state and its economic arrangements require a guarantor, an external agent which makes a marriage “real” and ensures that it is incorporated into a system of

legal and administrative controls. The church has, for some time now, cheerfully consented to act as such a guarantor. I believe that we should no longer do so.

I write this as a priest of the Anglican Church, and one who is deeply concerned about the confusion of roles created by having the clergy “perform” legal marriages on behalf of the state – the one single remaining instance in which I would (if I officiated at marriages) become an agent of the state while performing a priestly function. For those of us who believe that a crucial role of the church is to create and sustain a counter-narrative to the state and societal narratives of consumerism, economic exploitation, and organized violence, this confusion of roles is deeply troubling.

The role of the church as legal guarantor of marriage is essentially a relic of Christendom, of the easy identification of church and state, as if our interests were identical, or at least significantly overlapping. If we are to reconceive the church as a body which stands apart from, and is to a large degree opposed to, the interests of states and nations; if we are to disentangle ourselves from the economic interests which depend upon the disciplining of property relationships; if we are to re-imagine our attitude to procreation as, in the face of environmental crisis, necessarily at least more qualified; if we are to reconstruct a relationship with power which is essentially oppositional – then our unexamined willingness to behave as an arm of the state, and an instrument of economic discipline, must be openly considered, and preferably rejected.

If the church were simply to get out of the marriage business entirely, the issue of which couples we do and do not marry would of course become moot. Those who wish to be married in the eyes of the state (and I acknowledge that this will probably continue to be a majority of our members) can seek civil marriage, which is now available, in Canada, to same-gender as well as mixed-gender couples. Those who wish to have committed intimate relationships recognized as in some way deeply vocational, and in some sense sacramental, could seek the blessing of their relationship by the church – this could be, as it is now in many areas of the country, available to mixed-gender or to same-gender couples, without any revision of the Marriage Canon. Ideally, this would be available to all those who declare relationships of vowed faithfulness, whether or not they involve civil marriage. There might be more room for discussion about the recognition of diverse kinds of relationships of vowed faithfulness within the Body of Christ.

Although my own observations are purely anecdotal, and come from a rather specific social and demographic context, I find it interesting that, over the last year, four mixed-gender couples have approached me, in my capacity as a parish priest, about “having a wedding” in my church. All four, it turned out with further conversation, were actually seeking the blessing of a civil marriage – three of these couples were in fact already civilly married at the time they first approached me. There is some reason to think that, at least in some areas of society, the faithful are quite spontaneously, and somewhat unconsciously, seeking a solution to the church's dilemma themselves, by separating legal civil marriages from church blessings.

Undoubtedly a move away from the “wedding business” and towards the blessing of faithful vowed relationships would be a challenge (and might also result in considerable loss of revenue; it would be naive not to acknowledge this as a factor) – but as with many similar challenges, we might discover that, in fact, many of the faithful have gotten there well ahead of us.

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*Note: this submission reflects my personal opinion, and is not intended to express the position of my parish as a whole.*