

The challenge which the availability of same-sex marriage under civil law poses to the Anglican Church of Canada's understanding of the institution of marriage is, at least potentially, a very constructive one, but one which the proposed change to the Marriage Canon addresses only in part. The gradual absorption of marriage into the Church's repertoire of liturgy and sacrament over the course of its first millennium is, in essence, a narrative of increasing conformity to secular models of human relationship, primarily relationships of property ownership, control, and transfer (women, their bodies, and the goods attached to them by law), as well as the regulation of lineage and genetic inheritance (children, their bodies, and the goods attached to them by law). The "official" recognition of marriage as a sacrament in the late 12<sup>th</sup> century thus marks a theological surrender to civil structures of contract, and those who protest that the inclusion of the marriage of same-sex couples in Canon XXI would constitute a capitulation to the secular spirit of the age might comfort themselves with the thought that the institution they seek to defend has precisely that sort of history.

Even the earnest intention to sanctify, to redeem, the secular institution has not succeeded in altering its primary social role as a means of regulation and control. As Rowan Williams observed.

There are marriages that simply institutionalize...manipulation and oppression, marriages whose continuance simply *doesn't* reflect the grace of God. The creative liberty of the woman in marriage is something neither church nor society has come anywhere near catching up with. Some marriages are a means of mutual destruction, while there are relationships other than Christian heterosexual marriage that show far more of the grace of mutual dispossession and creation than many duly and religiously blessed unions seem to. (*"Is there a Christian Sexual Ethic", A Ray of Darkness, 1995*).

It is in this area of "relationships other than Christian heterosexual marriage" that recent developments under Canadian civil law offer the Church an opportunity to rethink our theology of faithful, covenanted partnership. A committed relationship between two persons of the same sex offers us a model of fundamental social equality, and while any such partnership is subject to other asymmetries (education, class, etc.), it nonetheless begins from a position of parity of which, as Williams observes, "traditional" heterosexual marriage very largely falls short. Same-sex partnerships can thus help us to re-shape our image of human covenant in a way which is both more egalitarian and more expansive. To include the marriage of same-sex couple under the terms of Canon XXI would be to recognise and affirm this possibility.

I believe that in the longer term, however, the Church needs to re-evaluate its complicity in an institution which is so marked, not to say scarred, by its secular origins and purposes, and to foster equitable and creative forms of human relationship, with a focus not simply on pair-bonding but on our membership in the Body of Christ and citizenship in the kingdom of heaven, and all the counter-cultural challenge such membership implies. One small step in this direction would be to resign our role as agents of the state in the performance of "legal" weddings, and to confine ourselves to offering blessings of civil unions to those who truly desire to emphasise the religious character of their vows to one another, whether opposite-sex or same-sex couples.

A final word on the subject of the conscience clause: I realise that my own experience of such matters is not exhaustive, but I have never heard of any cleric being compelled to perform a ceremony of marriage for a couple whom she or he did not choose to marry. If it is thought necessary for such a clause to be included in Canon XXI, it ought to be seen to apply to all marriages, and not simply to same-sex unions.

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