

September 30, 2014

Canon Robert Falby
Chairperson
Commission on the Marriage Canon
80 Hayden Street
Toronto, ON M4Y 3G2

Dear Mr. Falby,

I would like to offer the Commission a few thoughts on the motion requested by GS2013 re change to Canon XXI.

First, the request of GS2013 must be met. This should be obvious, but I note that a number of submissions to the Commission have asked that no motion to amend Canon XXI be taken forward to GS2016. To my way of thinking it is not open to this Commission, or to the Council of General Synod, to fail to carry out the clear request of GS2013.

Second, the motion proposed needs to accomplish what was requested, in particular to “allow the marriage of same sex couples in the same way as opposite sex couples” and “include a conscience clause”. A motion that falls short on the former would be pointless and one that omitted the latter seems likely to fail.

Third, the motion should not go unnecessarily beyond what was requested. For example, while I personally would support the repeal of the Marriage Canon – after all, we manage perfectly well without a Eucharistic Canon or a Baptismal Canon – such an approach would inevitably muddy the waters and invite opposition on extraneous grounds. Another option proposed by some is for the church to stop solemnizing marriage altogether and offer only blessings of civil marriages. While this would achieve equality, it would raise a series of possible objections that could not readily be dealt with on the floor of General Synod.

Likewise, while I would be content to see the rationale for extending access to marriage added to Part I of Canon XXI, drawing presumably on the Rothesay Report (<http://archive.anglican.ca/gs2010/wp-content/uploads/009c-Appendix-B-FWM-The-Rothesay-Report.pdf>), this does not seem to be required to achieve the effects requested by GS2013. I am no canon lawyer, so I would encourage the Commission to seek advice as to

the least intrusive changes necessary. A plain reading of the canon would suggest that these would be minor and few; much of the text is gender-neutral in its current form.

This minimalist approach will allow GS2016 to vote as directly as possible on the principle, so that there can be clarity regardless of the outcome. Anglicans of widely differing views would like to see this issue resolved one way or the other.

For my part, I will be hoping for approval of the motion. By GS2019, the earliest any change could be finally enacted, the first children raised in Canada after equal marriage became legally possible will be reaching the age of earliest eligibility to marry (16). It would be a shame if these individuals, who will never have experienced legal discrimination in Canada *except* from religious institutions, should find the Anglican Church of Canada still choosing to exclude some of its own members.

Yours truly,

Kevin J. Farris
Parishioner, Church of St John the Divine