

**Submission to the Commission on Marriage
by Ron Chaplin, Ottawa
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Because this submission is based as much on lived experience as on any academic considerations, a few words of personal information and of personal perspective are in order. I am a 62-year old gay man. I went through the first phase of “coming out” (accepting that my personal nature was homosexual) in 1974 at the age of 22. I am single, never married.

I was raised in the Christian church, and have been asked to serve in many leadership roles in the church. I was elected to the Board of Session of Bridge Street United Church in Belleville, Ontario at the age of 17; and again to Session of Bloor Street United Church in Toronto at the age of 28. Active in the Anglican Church since moving back to Ottawa in 1982, I have three times been elected to General Synod, served one triennium on the Council of General Synod (2010-2013), and currently am serving my fourth year as a member of Ottawa’s Diocesan Council. I am a member of St Albans parish, a new church plant in the heart of the city.

A graduate of Carleton University (1974) with a degree in history, my occupation both before and after leaving the workforce has been in public policy. I was director of parliamentary relations for the Canadian Petroleum Association from 1982 to 1993. Retiring from the workforce in that year due to health problems, I immediately began to volunteer with Egale Canada (the country’s largest GLBT rights advocacy group) as director of parliamentary relations, serving until Parliament approved the Modernization of Benefits and Obligations Act in the year 2000. This legislation extended to same-sex couples all the provisions of family law which applied to opposite-sex couples in common law relationships, and was a precursor to the Civil Marriage Act (2005) which recognized same-sex marriages. At the same time, I served four years on the Board of Directors of the AIDS Committee of Ottawa and, after having served one term as Chair of the Board, served the next ten years as Chair of the inter-agency Ottawa Coalition on HIV/AIDS.

Part One

Responding to the questions put by the Commission:

1. How do you interpret what scripture says about marriage?

Scripture says very little about marriage, at least in a direct way. No marriage liturgy can be found in the Bible. Many different forms of marriage are described, including polygamous marriages and Levirate marriages. Other types of non-marital sexual relationships, including concubines and sex with house servants and slaves, are described, without necessarily being described as adulterous or in any other way deviant. The only common denominator in the marital and non-marital sexual relationships described in the Bible is that they all assume a system of patriarchy, an attribute of ancient Middle Eastern cultures which is not to be considered prescriptive.

I have heard it said many times that the only type of sexual relationship endorsed in Scripture is a life-long, monogamous union of a man and a woman. This argument is often based on Jesus' teaching in Matthew 19: *For this reason a man shall leave his father and mother and be joined to his wife, and the two shall become one flesh. Therefore what God has joined together, let no one separate.*

To render this passage prescriptive, rather than simply descriptive of the most common form of marital relationship, is troublesome enough. Jesus is referring back to the creation myth found in Genesis 2. I am deeply saddened when gay and transgendered people are “read out” of this passage. At verse 18, God speaks: *It is not good that the man (a better translation might be the human) should be alone; I will make him a helper as his partner.* This speaks to an fundamental feature of our human condition – that we seek an intimate relationship with a partner and helpmate. It is my experience of life that this urge for intimate companionship is no less strong among gay men and women than it is with heterosexual persons.

2. *How do you understand the theological significance of gender difference in marriage?*

Various theological interpretations of the significance of gender differences have developed over time, and many have been, to say the least, troublesome. They have bedevilled discussions about the role of women in civil society, and in the church, including recent acrimonious debates about the suitability of women to serve in ordained ministry.

I will address only one aspect of this debate – the concept of the “complementarity” of the two genders. It has been explained to me many times that male and female “complement” each other, not only physiologically, but in terms of temperament, interests, aptitudes and so on.

In and of itself, this is a sensible construct, but one that can only be taken so far. If taken to some of its logical extremes, it can lead to the conclusion that single or celibate are somehow “incomplete” humans. And if the argument is exaggerated to the degree that gender differences are seen to be God-given, it marginalizes people who do not fit within traditional gender roles. Such marginalization serves no social nor spiritual purpose.

3. *Is there a distinction between civil marriage and Christian marriage?*

In a word, yes, a big distinction, but one few in the church or society at large seem much to acknowledge.

Historical evidence suggests that, for its first thousand years, the Christian church was not much concerned with the solemnization of marriage. There is some evidence of marriage liturgies during this period, but as often as not they seem to recognize an event, a marriage, which has already occurred (and thereby resemble the blessing of a marriage, rather than a marriage itself). There are also examples of blessing liturgies for convalidated relationships between same-sex couples (see: John Boswell, *Same-Sex Blessings in Pre-Modern Europe*).

As Europe came out of the Dark Ages, the nobility looked to clerics to develop a system of laws to settle issues such inheritance and legal succession, which had too often been settled by war or

other violent means. They looked to clerics because they were the literate class. The incentive, or the mandate given to the clerics, was not religious – most of Europe’s nobility at the time was pagan, and would remain so.

Marriage continues to be the cornerstone of our system of family law.

Historically, European (and some Canadian) churches served a civil function. Church certificates of marriage (as well as of baptism and death) were official legal documents. In Canada, this is no longer the case. For the church to solemnize a marriage is no longer a requirement of civil law.

A Christian marriage has two fundamental features which go beyond civil marriage. In a Christian marriage, the wedding vows are not simply exchanged between the spouses, but are made before God; and, in our Anglican tradition, marriage is sacramental.

Additionally, in our Anglican tradition, church weddings are regarded as public events. To continue to deny gay and lesbian believers the opportunity to celebrate our marriages within our faith communities is to continue to marginalize us within the church.

4. *What is the theological significance of*

a) *Companionship in marriage?*

As argued in response to Question #1, the scriptural foundation for marriage is the basic human urge to seek intimate companionship. This is fundamental to our human nature.

b) *Bearing and raising children?*

The social and legal utility of marriage is to define a system of family law which provides security for children. Marriage can define roles, even in societies with extended family or clan structures. In most Western societies, largely as a consequence of industrialisation and urbanisation, these more traditional forms of family structure are no longer predominant.

It should be stressed that specific models for the nurture of children are neither universal nor timeless. Recent scholarship suggests, for example, that most aboriginal nations in the Americas had distinctly non-patriarchal systems of child-rearing. Children were not considered the “property” of their fathers (or their biological parents). The care and nurture of children was considered the responsibility of the entire community. Vestiges of this system can be found in the continuing prevalence of traditional adoption, particularly in remote aboriginal communities in the high Arctic and the Pacific Coast. Aboriginal languages have special words to define relationships between and among children, adoptive parents and biological parents, words that have no equivalent in any European language. This system was greatly disrupted with the arrival of the missionaries. It is hard to see any social, theological or spiritual benefit to imposing European models of family and child-rearing in these communities.

c) *The relationship between marriage and sexuality?*

Many branches of the church regard the failure to consummate a marriage sexually to be grounds for the annulment of the marriage, that is, to claim that the marriage was never valid in the first place.

I am not sure what the practice of the Anglican Church of Canada in this regard. But the Commission may be surprised to learn (I was!) that, under Canadian law, sex is neither a sufficient nor a necessary condition for a relationship to be recognized as a “marital” relationship. During committee hearings on the proposed Modernization of Benefits and Obligations Act, officials from the Department of Justice explained that there were a dozen factors which determined whether, under the common law, a relationship was or was not a “marital” relationship, an intimate sexual relationship being only one of these.. As for civil marriage, Canada’s laws are silent on this matter.

5. What is the difference between marriage and the blessing of a relationship?

A marriage is a lifetime experience. It is also an act, an event – the exchanging of vows, the making of promises.

A blessing of a marriage (or other type of relationship) is a celebration of an event which has already occurred.

I have heard a number of arguments in recent years about the significance of the “nuptial blessing” during a traditional wedding ceremony. The question continues to flummox me.

By what authority does the presiding priest pronounce the blessing during the ceremony? His/her own? By the authority of the state? By the authority of the Anglican Church of Canada, and its General Synod? By God?

Is it not the couple themselves that are the blessing – that in their promises of commitment to each other that they are a blessing to the community, and a sign of God’s covenant with us all?

One thing is clear. The church is in the marrying business. It has always (and should continue to) encourage people to form intentional, covenanted relationships. By insisting that gay and lesbian persons be married by some other authority, and then return to their home parishes for an *ex post facto* blessing of that marriage, the church is marginalizing its gay and lesbian members, and degrading our covenanted relationships.

6. How do you understand the sacramentality of marriage?

Marriage is sacramental in that the promises made between the partners echo the promises made by God to the people. In this regard, the gender of the partners in the marriage is irrelevant.

I have heard it argued that only heterosexual marriage can be properly sacramental, in that the possibility of procreation symbolizes the fecundity of God. Fair enough. But being fertile or of child-bearing age is not a condition of marriage, which makes this argument irrelevant. It cannot be that some marriages are fully sacramental in nature, and others less so.

Part Two

Why I became an advocate of same-sex marriage

Commission members might be interested in knowing why I have devoted so much time and energy to advocating for same-sex marriage over the years.

Frankly, it is because so much of what I witnessed as a young man so grievously offended both my sense of natural justice, and what I had been taught about the Gospel, about Jesus' message about loving your neighbour and treating everyone with the respect due to a beloved child of God.

From the 1970's through the 1990's, gay and lesbian persons operated in a kind of legal limbo. Although consensual sex had been decriminalized, there were no laws which recognized same-sex relationships. There was a lot of bad behaviour, both within the gay community, and inflicted on the gay community. Homophobic violence was common (I was a victim on three occasions), police were unsympathetic, and gay people could lose their jobs or rental accommodation at anyone's whim, with no legal recourse.

These issues were gradually dealt with during the 1980's and 90's, with amendments made to human rights codes and hate crime laws. Many of these changes were a consequence of constitutional reform when, in 1982, the Canadian Charter of Rights and Freedoms became enshrined in Canada's constitution. In late 1985, in its earliest decision on a challenge brought under Section 15 of the Charter, the "equal protection" or "non-discrimination" clause, the Supreme Court of Canada ruled that the list of groups protected against discrimination was an "inclusive" and not "exclusive" list. This led to the foundation of Egale Canada, dedicated to challenge laws and government programs which discriminated against gay and lesbian persons. In 1995, all nine judges of the Supreme Court agreed that Section 15 of the Charter forbade discrimination on the grounds of sexual orientation.

This led to the passing of the Modernization of Benefits and Obligations Act in the year 2000, which gave legal recognition to same-sex relationships. Changes were made to the Insurance Act and other statutes to permit the transfer of insurance and pension benefits to same-sex partners which previously had not been permitted. Should a relationship dissolve, there would now be access to the family courts to mediate alimony and other property settlements. Finally, there would be legal consequences for bad behaviour, just as there were for opposite-sex couples.

The most galvanizing issue was, however, the North American AIDS epidemic which began in the early 1980's (I was myself diagnosed HIV-positive early in 1985, at age 32). During the next 15 to 20 years, I witnessed some of the most disgraceful behaviour ever, much of it aided and abetted by the Christian church.

In the early years of the epidemic, the loudest voices heard from the Christian church were voices of fear and loathing. AIDS was described as "God's punishment". Rather than care and comfort those struck down in the prime of their lives by this fearsome disease, Christian leaders

condemned the sick. The dominant response of the more progressive mainstream Protestant churches was... silence.

The lack of compassion was staggering. Moreover, the lack of legal protection for both the sick and the survivors was glaring. I watched with admiration as many gay men took loving care of their sick and dying partners, a process which often lasted over many years. This demonstrated that what I had been told over and over again in my younger years – that gay men could not form loving, committed partnerships – was a lie.

Too often these same men would be barred by family members from the death bed, from the funeral, and from their marital homes upon the passing of their partners. There was no legal recourse to this outrageous behaviour.

The advent of civil marriage in Canada has meant that this scenario need never play out again. It is marriage and only marriage, not any other kind of contractual relationship, which can make you legal next-of-kin to your partner.

I would add this note. In Canada, the issue of same-sex marriage has been defined in the public's consciousness as an issue of fundamental human rights. This has important implications for the church, and for any hopes of evangelization here at home. To continue to forbid same-sex marriage, simply by default as the tradition of the church, is no longer a viable option. If the church is to continue in this policy, it will need to demonstrate why this is theologically and spiritually compelling, rather than simply abrogating an identifiable minority's basic human rights.

Appendix 1

The resolution, as amended, that was approved by General Synod in 2013 included this clause:

[That the motion to be put to General Synod in 2016]

Confirms immunity under civil law and the Human Rights Code for those bishops, dioceses and priests who refuse to participate in or authorize the marriage of same-sex couples on the basis of conscience;

Commission members may wish to note that this was an issue when The Civil Marriage Act was before Parliament in 2005. This legislation contains a lengthy preamble. While the bill was before committee, the following paragraph was added to the preamble:

WHEREAS nothing in this Act affects the guarantee of freedom of conscience and religion and, in particular, the freedom of members of religious groups to hold and declare their religious beliefs and the freedom of officials of religious groups to refuse to perform marriages that are not in accordance with their religious beliefs.

Officials from the Justice Department, in testimony before the committee, expressed the opinion that the amendment, while in order, was unnecessary. While no person or legal entity was immune from a civil suit, and while there was, at that time, no case law clearly delimiting how “freedom of conscience and religion”, a “fundamental freedom” enumerated in Section 2 of the Canadian Charter of Rights and Freedoms related to the “equal protection” clauses found in Section 15, it was almost impossible to imagine any Canadian court interfering in any *bona fide*

religious group's rules, regulations, or decision-making processes. To do so would open a Pandora's box of endless litigation in which the state, frankly, has no interest.

And so it is with this clause in the 2013 resolution. There can be no guarantee of immunity under civil law. Jesus himself would not be able to claim immunity. At the same time, it is almost impossible to imagine any court or other government agency interfering in church affairs. This concern is a red herring.

Moreover, it is my understanding that, under our Anglican procedures, our clergy are entirely free to refuse to marry anyone, at their own discretion.

Appendix 2

Process issues

As someone who has been deeply involved with these questions over many years, allow me to offer the following advices about our process for discernment on this issue.

I hope the Commission, and the Council of General Synod, will be able to avoid the temptation to avoid doing what the resolution passed by General Synod in Ottawa in 2013 asks it to do – that it will in fact produce an appropriate motion to present to General Synod in Toronto in 2016. I remember that in 2007 in Winnipeg, General Synod passed a resolution asking that Council of General Synod produce a theological argument supporting same-sex marriage. The Faith, Worship and Ministry Committee produced a report that did not do what General Synod had asked it to do. The matter ended there. In my eyes, this action grievously disrespected General Synod, which is supposed to be our church's governing body. Moreover, it was an opportunity lost, an opportunity to explain to our international and ecumenical partners the various forces that were moving the debate within the Anglican Church of Canada.

I know that many, those who both support and who oppose same-sex marriage, worry that putting such a motion to General Synod could be divisive and harmful. My experience with this issue suggests that it would be very, very useful for all of us to know the mind of General Synod on these matters, among the bishops, the clergy and the laity.

Some also worry that an affirmative vote at General Synod might harm our relationships with our partners in the Anglican Communion, and with our ecumenical partners here at home. I would note that an affirmative vote in 2016 would have no immediate consequence. Conversations with our partners after an affirmative vote would become more important, and information about such conversations would be valuable input into discussion of any motion that might be put to General Synod in 2019 or later years.

I hold all members of the Commission and of the Council of General Synod in my prayers during your deliberations.